

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD

Thursday, May 16, 2019 – 2:00 p.m.

**Department of Employment, Training and Rehabilitation
Conference Room A-C
2800 E. St. Louis Avenue
Las Vegas, NV 89104**

Alternate Location: Some members of the board may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

SAO Auditorium (DETR)
500 E. Third Street, Carson City, NV 89713

Teleconference (For Public Only):
1-888-363-4735 Access Code 9319340

MINUTES OF MEETING

Present: Larry Fagerhaug (Chair), Aaron West, Ann Silver, Anthony Buettner, Craig von Collenberg, Dave Ellis, David Dreibelbis, Dr. Tiffany Tyler Garner, Hannah Pence, Jim New, Joseph Riney, Kenneth Evans, Kristine Nelson, Madison Burnett, Robert Cunningham, Ryan Cordia, Shelley Hendren, Steve Fisher, Stewart "Mac" Bybee, William "Bill" Stanley,

Absent: Commissioner Marilyn Kirkpatrick, Cristi Cristich-Milazzo, Douglas Owen, Huge Anderson, Larry Harvey, Lawrence Montrose, Melissa MaGuire, Nancy Olsen, Senator Pat Spearman, Victor Wowo

Also present: Andres J. Feijoo (OWINN), Joan Finlay (OWINN), Deputy Attorney General David Gardner (on behalf of Robert Whitney), Jaime Cruz, Executive Director, Workforce Connections, John Thurman, Executive Director, Nevadaworks, David Schmitd, Chief Economist, DETR, Karlene Johnson, DETR WISS, Rob Benner, Building and Construction Trades Council of Northern Nevada (BCTNN)

1. OPENING REMARKS

Larry Fagerhaug, Chair, called the meeting to order, and welcomed participants.

2. ROLL CALL - CONFIRMATION OF A QUORUM

Per direction from Chair Fagerhaug, Andres Feijoo took roll call and confirmed the presence of a quorum.

3. VERIFICATION OF PUBLIC NOTICE POSTING

Andres Feijoo affirmed that the agenda and notice of the Governor's Workforce Development Board meeting on May 16, 2019 was posted pursuant to Nevada's Open Meeting Law, NRS 241.020.

4. FIRST PUBLIC COMMENT(S) NOTICE

Chair Fagerhaug read the notice into the record as follows: "Members of the public are invited to comment at this time; however, no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. At my discretion, in the interest of time, public comments will be limited to three minutes per person."

There were no comments.

5. ***APPROVAL OF MINUTES**

Chair Fagerhaug called for a motion to approve the February 6, 2019 draft minutes of the Board. **Bill Stanley**, **“Mac” Bybee**, and **David Ellis** stated they were not present at the last meeting and would abstain from voting. **Shelley Hendren** made corrections to page 6.

It was moved by Jim New and seconded by Kenneth Evans to approve the February 6, 2019 draft minutes as amended. Motion carried.

(HONORING ASSEMBLYMAN TYRONE THOMPSON)

Chair Fagerhaug called for a moment of silence to honor the late Assemblyman Tyrone Thompson, who passed away in May. **Ken Evans**, President for the American Chambers of Commerce, stated his pleasure to work with Mr. Thompson in providing opportunities for individuals. **Dr. Tyler** echoed **Mr. Evans’s** sentiments, and commended the late Assemblyman Thompson for his example of leadership.

6. **NEW GOVERNOR’S OFFICE OF WORKFORCE INNOVATION (OWINN) EXECUTIVE DIRECTOR/UPDATE**

Chair Fagerhaug introduced the new OWINN Executive Director, **Craig Von Collenberg**, who thanked all for the warm welcome, and for being open to new ideas and thoughts. He provided professional background information, noting that he worked with a lot of folks present and the community in building apprenticeship programs. He added that his priority as the new Director is building relationships and honoring what has worked well in the past, and being open to new innovations.

7. ***FOR POSSIBLE ACTION OF THE FEBRUARY GWDB RETREAT VISION AND PRIORITIES**

Chair Fagerhaug referred to the Vision Statement and Actionable Workforce priorities for 2019 and 2020 that were captured in February, and summarized the vision statement (although he said it seemed a bit long) as: “The Workforce Board is committed to a vision within the workforce development ecosystem that prepares a diverse workforce to compete in existing, new, and emerging economies in the State of Nevada; in order for this vision to become a reality, leaders must be intentional about workforce resource guidance, explore innovative ideas and practices, commit to creating knowledge systems with partners and economic development and develop more intentional coordinated collaboration between the public and private sector.”

Chair Fagerhaug summarized the five actionable Workforce priorities (each contained dialogue and measurable standards) as:

1. Develop a one-stop system to benefit clients and employers, and increase awareness and communication
2. Support young adults in Nevada to define career pathways and access work based environments and the training to succeed
3. Measure training programs aligned to the outcomes and develop a marketable workforce
4. Achieve buy-in from all chambers in Nevada to support Workforce efforts
5. To develop Workforce asset mapping and conduct gap analysis to inform partners and ensure sustainable strategies for workforce development

Mr. Evans suggested that the Board review the plan and revisit in order to ensure this is the correct path, and **Ms. Hendren** agreed, noting a need for a committee in order to focus more finely. **Mr. Buettner** stated that at the workshop, the group broke into smaller groups, and he asked if the five-part list was a summation of that discussion, as three discussion items appeared to be missing (there were originally seven recommendations). He referred to page 9 of the minutes, and stated number 1 and 3 on the seven-part list that was on today’s five-part list, but others were not.

Chair Fagerhaug agreed that further studying the retreat notes and the five points was a good suggestion, and **Mr. Stanley** echoed the Chair’s suggestion, noting that with a new administration in place, it was important to provide an opportunity for OWINN’s new Director to be involved as policies were approved moving forward. **Dr. Tyler** recommended that change in workforce due to automation and artificial intelligence, as well how they will affect the workforce should be considered, and the Board should continue to assist in integration and expectation. She stated it was important to ensure past feedback and the current legislation are considered.

It was moved by Bill Stanley, and seconded by Robert Cunningham, to table Agenda Item #7 and form a committee to be headed by Mr. Von Collenberg to further consider vision and priorities

Chair Fagerhaug called for discussion on the motion, and **Mr. Cunningham** suggested that it be left to the new Director of OWINN and staff how to form the committee (possibly with use of volunteers). **Mr. Craig Von Collenberg** stated he would be willing to lead a committee to review the information, and would also review the original conversation. He noted the importance of having a plan, vision and priority with a solidified message of moving in the same direction.

Mr. Evans mentioned the importance of focusing on automation issues, and groups that data suggests are not being reached or are left behind (African American and Latino males ages 16 to 26 with a high rate of unemployment). **Dr. Tyler** also noted that other populations such as those who are impoverished, and persons of color, or others who are under-employed need to be addressed in strategies to directly focus on those areas.

Mr. Von Collenberg said that would be a large part of the committee's discussion, and **Ms. Hendren** added that the work of the subcommittee would assist in the work of the unified state plan committee, so those two groups should be aligned.

Dr. Tyler suggested that key stakeholders also be at the table with the subcommittees.

Motion carried.

Ms. Hendren stated it was important to form the committee to get the progress moving along, and **Chair Fagerhaug** said that he would ask for volunteers first and work closely with **Mr. Von Collenberg** in order to move this quickly. **Mr. Buettner** stated that Board Members with experience in the three key areas of training systems, information systems, and evaluation of the systems should consider their possible assistance, based on the seven bullet points from the last meeting.

8. DISCUSSION/INFORMATIONAL TOPIC REGARDING SCP 1.0

John Thurman, Executive Director, Nevadaworks referred to SCP 1.0, page 4.e., Conflict of Interest and Transparency Section, noting that when the matter was brought forward in 2018, the language starting with *"...and have no familial relationship to the third degree," and ending with, "the local workforce development areas"* had been lined out as not recommended for inclusion in the policy but was later added back in. He stated that the language would cause mandated members of the local workforce development boards to instantly be in conflict on any and all items of discussion if they simply had an interaction with the one-stop centers in northern and southern Nevada. **Mr. Stanley** stated that during the Governor's Executive Board for Workforce Development, several times conversation around this had the language being re-introduced.

Mr. Aaron West explained some of the reasoning for re-including the wording as pertaining to the Title I, II, III, and IV service providers. He added the completely excluding those representatives was overreaching. **Ms. Hendren** recalled the original conversations a couple years ago and its intent was not to have those relationships between Board Members and the one-stop operator, and was not intended to extend to other operators. **Mr. Thurman** said he was unsure why it was in the original draft, and at first he felt it was relatively benign, but after further review, it was clear that the mandated members of the local boards would be in conflict, due to the specific wording. He said that if it were changed to just the one-stop operator this would not be an issue.

Mr. Evans said that being able to manage activities through abstention, and he asked what the legal review suggested on this issue. **Mr. Thurman** stated that the Law Offices of Vickie Olmanberg (represents the Nevada Association of Employers in Northern Nevada) reviewed the wording, and as written it was agreed that it would preclude Board Members from taking part in discussion as well as voting. **Dr. Tyler** asked if the Attorney General had reviewed the wording, and **Deputy Attorney General, David Gardner (DAG for OWINN)** stated that he had not reviewed the language, and he was filling in for **Robert Whitney** (he did not know if **Mr. Whitney** had reviewed it).

Mr. Dave Dreibelbis said he was aware that this topic was not on the agenda for action, but wondered if it could be referred to the Deputy Attorney's Office for legal review with the concerns communicated. He suggested that the core information could be upheld, but concerns mentioned today should also be considered. **Chair Fagerhaug** said the matter would go before the executive committee for further review and then to the next Board meeting for possible action.

9. INFORMATIONAL REPORTS

A. Workforce Connections: Southern LWDB's Quarterly Report and Updates

Chair Fagerhaug stated that the Financial Analyst from DETR would not be able to testify. **Mr. Cruz** provided the report. He referred to pages 3 and 4 graphics, noting that Workforce was very excited about the one-stop system. Focus will be systemic, and DETR has 6 of the 17, with DHHS having 3. He stated that if there was no DHHS member on the Board, perhaps there should be. **Mr. Cruz** was excited about **Dr. Tyler** and **Mr. Von Collenberg's** roles, and offered any assistance to strengthen the relationship between the boards.

Dr. Tyler asked if there were any specific requests to support the one-stop centers, and **Mr. Cruz** stated that the work was well on the way, with good progress, and the next steps would now be accelerated with **Dr. Tyler** and **Mr. Von Collenberg** in place. Upon **Mr. Stanley's** request, **Mr. Cruz** provided an RFP update (contained in the report) as follows: pending investigation of one of the providers so some information must remain confidential, but it was public information that the Board has made a decision on funding, with partners. Direction was approved and RFPs were written in November of 2018, and the evaluation process culminated in May (right now staff was experiencing the effects of a 30-day delay), the law requires that a procurement process happens every four years so no matter what, everybody's contract needs to be closed and a new one started.

Mr. Evans asked if clients would still be serviced without interruption, and **Mr. Cruz** said that was the core of everything in the works. He added that the RFPs were designed to serve populations with the highest needs, and geography was separated in clusters (fund awards were made by clusters). The design of the system allowed for services to remain in those geographic areas.

B. Nevadaworks: Northern GWDB's Quarterly Report and Updates

John Thurman, Nevadaworks, stated that a couple of things surfaced recently that are not in the report. One was more connections in northern Nevada to the libraries, as they are part of the system as an access point; staff are being trained to assist individuals to register in the Title I system. A recent event was Latinos to Work held at the Reno one-stop center with over 200 people in attendance (hoping to make it an annual event at that center) and a Youth Expo that would occur in August right before school starts to educate youth about programs available to them. They have achieved 100% or above the negotiated performance levels for all of the Nevadaworks delivery areas and just turned on the product referred to as Futureworks, so that deeper information can be gained for applicants when enrolling them. Have access to statewide data and working **Mr. Cruz's** staff to gain more information and provide consistent reports.

Mr. Evans asked how and whether the credential rate equates to placement for full- or part-time employment. **Mr. Thurman** stated that the percentage of people entering full-time employment as a result of receiving an occupational skills training (credential) compared to those who seek services below that level.

Ann Silver sought clarification between a seeded partner and a non-seeded partner, and **Mr. Thurman** responded that in the one-stop delivery system, there are 19 mandated partners but in the one-stop center, there are five mandated partners, specifically Title I, II, III, and IV and DHHS. **Mr. Evans** stated that education and training should be mentioned, so that it could be kept in mind going forward, and moving forward, metrics for both the north and the south could assist in showing if metrics were met.

C. DETR's Research and Analysis Bureau: Economic Updates

David Schmidt, Chief Economist, DETR highlighted recent statistics. Review of current employment situation in Nevada: April's state of economy in Nevada good overall, rose by 49,600 jobs over the year, growth rate of 3.6%, and over the month the number was up 2,800 jobs, fairly average, but last month's jobs were revised up an additional 2,300 jobs. Some of the industries that were in decline from March to April were in government, particularly in education. While the survey week did not overlap with spring break, one survey was immediately before, and one was immediately after. Even so, 3.6% was still good, with Nevada leading the nation, and experiencing 100 consecutive months of job growth across almost every industry in the state, with the jobs adding the most jobs being professional and business services, construction and manufacturing, followed by education and health services, trades, transportation and

utilities. It is interesting to note that leisure and hospitality, the area with the most jobs in the state, is growing fairly slowly compared to some other industries, while professional and business construction are currently growing at 13%. Further, construction this month passed over the 100,000 job mark, with about 150,000 heading into the recession, with about 50,000 at the lowest point of the recession. Mining and logging was the only industry that was down over the last year with a decline of about 100 jobs. Nevada has been the fastest growing state in the nation for employment. The average growth over the last year is at 3.5%, with Utah at 3.3%, Arizona at 3%, and South Carolina at 2.5%. Nevada is well ahead of some of the surrounding states. Nevada is well positioned, surrounded by states that are also growing.

Mr. Schmidt addressed gender balance. Healthcare and social assistance, educational services, and finance and insurance all have a disproportionate share of women while mining, coring, oil and gas extraction, construction, manufacturing, wholesale trade and utilities have a large disproportionate share of men in the workforce. Other industries are in the 45-55% range. Healthcare is the industry most dominated by women, and when it comes support occupations, as well as healthcare as well as healthcare practitioner and technical occupations. Similar to what was seen in industries of natural resources: construction, extraction, insulation, maintenance and repair, and transportation are all areas with fairly small numbers of women in the workforce. Review of the Unemployment Rate Demographics Report: in April, the unemployment rate fell from 4.2% to 4%, 4/10ths of a percentage point higher than the US as a whole, but in context, this is only the 23rd month in Nevada's history that the state has been at or below 4%, and at or below 3.9% for 13 months and 3.8% for 4 months, so total unemployment is very low at 61,393 jobs, of those, in the last six months or so, there has been a shift where number of people unemployed for reasons other than having lost the last job, such as new entry or re-entry to the force, outnumbers those who lost their job, so the mix of people unemployed has been shifting.

Changes in labor force composition over the last year: unemployment has declined somewhat although the labor force has grown, and more people are entering the work force through migration or new entries into the work force. For underemployment, the Bureau of Labor Statistics report six different ways, including people who have been jobless 15 weeks or longer, people who have lost their job, and broader definitions, such as those who have not looked for work in 12 months, those who are marginally attached to the workforce but are not currently looking, for reasons such as going to school or caring for a family member. Then there are people who are working part-time but want to be working full-time, involuntary part-time workers. Over the last year, Nevada has improved over every measure, and a year ago, was fairly high in every measure except for those people unemployed 15 months or longer, but this year has seen some significant improvement. Unemployment rates for men and women are essentially nearly the same and improving, and looking close to the numbers in 2006 and 2007. Unemployment insurance activity: shows the number of weeks people are continuing on unemployment continues to slide, with the exhaustion rate are increasingly lower (at a rate of 30 to 32%, which is typical), so a little less than 1/3 of people on unemployment exhaust their benefits before exiting the program. Initial claims for unemployment benefits have been fairly flat over the last three years with stability being predicted, and at lowest levels seen for Nevada, although not as low as the nation as a whole. Total job gains from businesses opening and total job losses from businesses that are closing: with total churn four times higher than the net number reported each month, with lots of businesses opening and closing and lots of people changing jobs each month, because it's a dynamic economy. Unemployment rate demographics report looks at statutory requirements from the 2017 Legislative session. NRS 232-920 requires DETR to compile information by various demographics over each county, and NRS 232-935 requires all applicable agencies who provide workforce services to coordinate efforts and resources to reduce the rate of unemployment for certain demographic groups when certain thresholds are met.

Reviewing the data: three thresholds are the unemployment rate for a group is double the rate for a county as a whole, or the rate is 4% higher for a group than the county as a whole, or the rate has been higher than the county as a whole for three consecutive years. Five-year average number reported from the US Census, with the total number of people unemployed triggering one of the thresholds in each county, and how those numbers are calculated, and percent of areas as a whole, difference as a whole, and number of years it's been higher. Mapping groups that are triggered by one of the three criteria, and with people between the age group of 16 to 19, and one of the larger groups are persons with any disability, are all reported.

Groups by education level, those with less than a high school diploma, generally have higher unemployment rates, as do Hispanic or Latino (showing more in north area), with unemployment rate across Clark and Washoe Counties being close at 8% and 7.6% respectively; overall rate for Washoe County was 8.3%. Two groups disproportionately affected were people who were below the poverty line in the last 12 months, as well as the Native American population, with a higher unemployment rate of any area as a whole.

The African American populations of Clark and Washoe Counties show the highest totals in the northern and southern areas. Because the data is automated, more data is available, and women with children of particular ages, especially those with children under 6, and those with children ages 6 to 16 tend to have slightly higher unemployment rates. By incorporating maps into future reports on a county and US Census tracked level, and layering it with job service offices it can be determined if certain groups might be far from opportunities for service.

Mr. Evans asked about the state unemployment total, just over 61,000 and asked if there are that many unfilled jobs. **Mr. Schmidt** stated that for the last year to two years, there actually seemed to be more job openings than workers. **Mr. Evans** stated that in the past, OWINN conducted a survey that gave some insight on the demographics of those unemployed and with solutions for a systemic approach. He asked what happens once individuals have exhausted unemployment benefits. **Mr. Schmidt** stated that gathering data on that group as they are no longer reporting weekly is difficult.

Mr. Stanley stated that it would be helpful to look at the construction industry, especially the residential construction area, where an erosion of the employee/employer relationship was occurring. He added that getting statistics on the three main construction categories would be helpful in planning. **Mr. Schmidt** stated that residential contractors were about 9% of the share of employers, and 9% for non-residential contractors, and businesses of foundation and exterior about 20%, building and equipment at approximately 26%, with building with building finishing at about 19%, and other specialty trade contractors at 8.3% and all other construction at about 8.8%. He added that more information on the unemployment aspect is needed.

Dr. Tyler asked to what extent the data would be leveraged in setting policy as a board, which she encouraged as it could identify target areas and be invaluable. Some questions were how to target high school or less educated individuals who are under-employed, and female head of households with children who are disproportionately hired to ascertain whether childcare is the issue and how to leverage that, and leveraging skills and stakeholders for that population. She added it is important to identify if municipalities, or other actors are involved. **Dr. Tyler** stated that if these factors are not considered now, it is important to begin doing so.

10. INFORMATIONAL ONLY – FUTURE MEETING TOPICS

Chair Fagerhaug asked for feedback on future meeting topics, and the following items were arrived at:

Chair Fagerhaug stated that further discussion and deeper dive in the vision and priorities was already on the list of topics

Mr. Evans stated that studying topics that could be policy or guidance topics (after further review of those topics, such as the ones **Dr. Tyler** mentioned)

Mr. Buettner said that timelines might be important for implementing strategies or systems and/or sequence of events, in order to form and get goals

Mr. Cunningham said he would be interested in knowing, once priorities are established, and hearing back from the new subcommittee, a good idea of how the programs in place are addressing those priorities

Dr. Tyler suggested a deep dive focus on under-employment and what is or needs to be done to address it, and what is the ability to ensure employer responsive credentialing (is there a system in place in order to assist with identifying the training up needs and reduce number of job openings), and what is the array of tools the state is using to employ individuals or support economic development and what is the return on those (are we leveraging incoming worker training), and are there areas in which to double down, and what is the use of data like this as far as understanding it and changes in practice

Mr. Dreibelbis recommended addressing outreach for developed programs utilizing the demographic data

Mr. Von Collenberg suggested that item SCP 1.0 be revisited (for legal opinion also on conflict of interest wording, per **Mr. Evans's** suggestion)

Mr. Stanley recommended that the Industry Sector Council's recent focus on required skills sets and how they could help drive the discussion with folks closer to the industries, without some of the limitations in the past (not driving workforce development but allowing for broader areas of employment); He said he would like to have DAGA develop a brief on exactly how competing local boards could be established, and gain some understanding of how that would look, as far as competing boards in certain geographical areas

Dr. Tyler stated that focus on automation and artificial intelligence and its impact on workforce development is important to develop strategies for retooling and skill enhancement so workers are not left out of the economy

Mr. Ryan Cordia said that he was unsure of the roles of the board and other agencies in setting policies, and requested a specific task list for the entities

Ms. Kristine Nelson stated that she had previously mentioned this, but in the October meeting, the Unified State Plan will hopefully be brought before this Board for possible action and endorsement, either to the full Board or to the Executive Committee

Ms. Hendren also stated there was a need for an agenda item to discuss process when the Unified State Plan came before this Board, as it seemed that next steps would be to present a draft at the October meeting and a final at the January meeting (due in March 2020)

Chair Fagerhaug requested that Board Members be sure to update contact information when calendars go out.

11. SECOND PUBLIC COMMENT (S)

Chair Fagerhaug read the statement into the record: "Members of the public are invited to comment at this time; however no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. In my discretion, in the interest of time, public comment will be limited to three minutes per person." He invited comments from Carson City, Las Vegas or on the telephone.

Chair Fagerhaug thanked all the participants for their flexibility in scheduling the meeting, their attentiveness, and their readiness, with a significant amount of pre-work going on. He said discussion had been good and he applauded the Board Members for their substantive contributions. **Chair Fagerhaug** is looking forward to the data and developing from it, and noted that Nevada has an opportunity to lead in creating workforce.

12. ADJOURNMENT – The May 16, 2019 meeting was adjourned.

Notice of this meeting was posted on or before 9 a.m. on the third day prior to the meeting on the Internet at:

<http://OWINN.NV.GOV/> and
Nevada's Public Notice website at <https://notice.nv.gov/>, as required by NRS 232.2175.

Supporting public material provided to Committee members for this meeting is posted on OWINN's Web site at http://owinn.nv.gov/GWDB/GWDB_Workforce_Meetings/, and may be requested from the Executive Director's Office at 555 E. Washington Ave, Las Vegas, Nevada or call (702) 486-8080

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 1.0

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Membership of Local Workforce Development Boards (LWDB)

Issued: New July 2015 replacing Workforce Investment Act (WIA); Approved Governor's Workforce Development Board (GWDB) Executive Committee June 21, 2018; Ratified Governor's Workforce Development Board date July 17, 2018

Purpose: To transmit guidance to the Chief Elected Official(s) (CEO) of Local Workforce Development Areas (Local areas) regarding state policy on criteria for LWDBs

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in bold, *italic type*

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §679.300-430

ACTION REQUIRED: Upon issuance bring this guidance to the attention of GWDB, LWDB members and any other concerned parties. Any LWDB policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: WIOA Sec. 107(b)(1) requires the Governor, in partnership with the GWDB, to establish criteria for use by CEOs in the local area for appointment of members of the local board. Under WIOA, the LWDB, in partnership with the CEOs, are responsible for establishing policy and overseeing workforce programs for a workforce development area.

I. General:

- A. The Governor, will establish criteria for use by CEOs in the appointment of members of the LWDBs in accordance with Section 107(b)(2) of WIOA.
- B. The CEOs shall be the appointing authority for the members of the LWDBs. (WIOA Sec. 107(b) and 20 CFR §679.310(a))
- C. Chief elected officials shall develop a process for soliciting LWDB nominations and for selecting LWDB members. (20 CFR §679.310(g) (1))

- D. Representatives from private business or other entities shall be individuals with optimum policy making or hiring authority within the employer community and within the entities they represent. (20 CFR §679.340))
- E. The Chair of the LWDB must be from the business community. (WIOA Sec. 107(b)(3) and 20 CFR §679.330)
- F. An individual may be appointed as a representative of more than one entity if the individual meets all criteria for representation. (20 CFR §679.320 (h))

II. Required Members of the LWDB: (WIOA Sec. 107 and 20 CFR §679.320)

Members of the LWDB must be selected by the CEOs consistent with criteria established under WIOA section 107(b)(1) and criteria established by the Governor. Such selection must also meet the established requirements of WIOA Sec. 107(b)(2) and 20 CFR §679.320 (a).

- A. Business** A majority of the members of the LWDB must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the U.S. Small Business Administration. Business representatives serving on LWDBs may also serve on the GWDB. Each business representative must meet the following criteria:

- (1) Be an owner, chief executive officer, chief operating officer, or other individual with optimum policy-making or hiring authority; and
- (2) Provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA Sec. 3(23).

- B. Education** The LWDB must also include:

- (1) At least one eligible provider administering adult education and literacy activities under WIOA title II;
- (2) At least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
- (3) When there is more than one local area provider of adult education and literacy activities under title II, or multiple institutions of higher education providing workforce investment activities as described in WIOA Sec.107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities. ((WIOA Sec. 107(b) (6)).

- C. Labor** Membership must include two or more representatives of labor organizations, where such organizations exist in the local area. Where Labor organizations do not exist, representatives must be selected from other employee representatives [20 CFR §679.320(c)(1)]. The LWDB must include one or more representatives of a joint labor-management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists. (20 CFR §679.320 (c)(2))

D. Other Required Members The LWDB must also include at least one representative from each of the following governmental and economic and community development entities:

- (1) Economic and community development entities;
- (2) The State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area; and
- (3) The programs carried out under Title I of the Rehabilitation Act of 1973, other than section 112 or part C of that title.

E. Additional Members The membership of LWDB may include individuals or representatives of other appropriate entities in the local area, including:

- (1) Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment;
- (2) Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;
- (3) Philanthropic organizations serving the local area; and
- (4) Other appropriate individuals as determined by the chief elected official. (20 CFR §679.320 (e))

III. Local Board Operations

A. Quorum A quorum shall be defined as:

A simple majority (51%) of members, excluding vacancies.

B. Change in Status LWDB members who no longer hold the position or status that made them eligible members must resign or be removed by the CEOs immediately as a representative of that entity; i.e. no longer work in the private sector, or are no longer with an educational institution, etc.

C. Vacancies LWDB vacancies must be filled within a reasonable amount of time of the vacancy, **but no later than 120 days** from occurrence. The CEOs are authorized to make all reappointments of members. Reappointments must be made within a reasonable amount of time of the term expiration, **but no later than 120 days**. Any action taken by a LWDB later than the 120 days per this policy shall be void unless the LWDB has an approved waiver from the Governor's Office of Workforce Innovation (OWINN) prior to the LWDB meeting. Waivers are to be requested in writing to: Governor's Workforce Development Board c/o State Board Liaison 555 East Washington Avenue, Suite 4900 Las Vegas, Nevada 89101.

D. Removal LWDB members must be removed by the CEOs if any of the following occurs:

- (1) Documented violation of conflict of interest;
- (2) Failure to meet LWDB member representation requirements defined in the WIOA and this policy; or
- (3) Documented proof of fraud and/or abuse.

LWDB members may be removed for other factors outlined in the Local Board bylaws such as attendance.

E. Conflict of Interest and Transparency The respective LWDB must be a WIOA-compliant board per WIOA Sec.107 State and Board Policy and as defined by SCP 4.6. ~~and have no familial relationship to the 3rd degree of consanguinity, business, financial, or political ties with any member(s) of the One-Stop Operators, its staff, Local Elected Officials Consortium, or an employee of a mandatory core program located within the One-Stop in the respective Local Workforce Development Area(s).~~ Members must ensure the integrity of their pursuits by taking steps to avoid conflict of interest or even the appearance of conflict of interest per Board and State policy. ANY conflict of interest by ANY board member must be declared and then abstained from voting on that agenda item. Reference SCP 4.6 Conflict of Interest.

The LWDB must conduct its business in an open manner as required by WIOA Sec. 107(e), Nevada Revised Statutes (NRS) Chapter 241 and most recent Nevada Open Meeting Law Manual by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the LWDB. This includes 20 CFR §679.390:

- (1) Information about the Local Plan, or modification to the Local Plan, before submission of the plan;
- (2) List and affiliation of LWDB members;
- (3) Selection and certification of one-stop operators;
- (4) Award of grants or contracts to eligible providers of workforce investment activities including providers of youth workforce investment activities;
- (5) Minutes of formal meetings of the LWDB; and
- (6) LWDB by-laws, consistent with 20 CFR §679.310(g).

F. Standing Committees Standing committees may be established by the LWDB to provide information and assist the LWDB in carrying out its responsibilities under WIOA Sec. 107. Standing committees must be chaired by a member of the LWDB, may include other members of the LWDB, and may include other individuals appointed by the LWDB—who are not members of the LWDB and who have demonstrated experience and expertise in accordance with 20 CFR §679.340(b) and as determined by the LWDB. Standing committees may include each of the following 20 CFR §679.360:

- (1) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners;
- (2) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which must include community-based organizations with a demonstrated record of success in serving eligible youth; and
- (3) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA Sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 ([42 U.S.C.](#)

[12101](#) *et seq.*) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

The LWDB may designate other standing committees in addition to those specified above.

LWDB may designate an entity in existence as of the date of the enactment of WIOA, such as an effective youth council, to serve as a standing committee as long as the entity meets the requirements of WIOA Sec.107(b)(4).

**Nevada Department of Employment, Training and Rehabilitation
(DETR)**

**Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 1.1

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: WIA to WIOA: Identification of Regions, Designation of Local Workforce Development Areas, Appointment and Certification of the Local Workforce Development Board (LWDB) and Appeals Process

Issued: New July 2015 replacing Workforce Investment Act (WIA); Approved Governor's Workforce Development Board (GWDB) Executive Committee June 21, 2018; Ratified Governor's Workforce Development Board date July 17, 2018

Purpose: To establish policy and procedure for the identification of regions, designation of local workforce development areas and the process for appealing designation decisions in compliance with the Workforce Innovation and Opportunity Act (WIOA) – Public Law 113-128, enacted on July 22, 2014

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in bold, *italic type*

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; U.S. Department of Labor's TEGL 27-14; 20 CFR§679.250; 20 CFR§679.290; 20 CFR §679.390; 29 U.S.C. 3122

ACTION REQUIRED: Upon issuance bring this guidance to the attention of GWDB, LWDB members and any other concerned parties. Any LWDB policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

WIOA Sec. 106 delineates the requirements and process for the determination of regions and local areas including: Identification, types of regions, initial designation, subsequent designation, process, considerations, designation on recommendation by the GWDB, and the appeal process. Further guidance regarding this requirement is outlined in the U.S. Department of Labor's Training and Employment Guidance Letter (TEGL) 27-14, 5(B), issued on April 15, 2015.

Definitions: In addition to the definitions of '*performed successfully*' and '*sustained fiscal integrity*' in WIOA, Sec. 106(e), the following definitions apply for the purposes of determining initial local area designations in accordance with TEGL 27-14, Section 5.C:

Performed successfully: The local area met or exceeded the levels of performance the Governor negotiated with the LWDB and chief elected local official (CEO), and the local area has not failed any individual performance measures for the last two (2) consecutive program years prior to the enactment of WIOA (TEGL 25-13).

- **Exceeded:** When the actual performance achieved against an individual performance measure is in excess of 100 percent of the negotiated level of performance for the measure.
- **Met:** When the actual performance achieved against an individual performance measure falls in the range of 90-100 percent of the negotiated level of performance for the measure.
- **Failed:** When the actual performance achieved against an individual performance measure is less than 90 percent of the negotiated level of performance for the measure.

Sustained fiscal integrity: The Secretary of the U.S. Department of Labor has not made a *formal* determination that either the grant recipient or the administrative entity of the area misspent funds due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administrations for the two years preceding the determination (TEGL 27-14).

Process:

The Governor of the State shall designate local workforce development areas within the State:

- A. Through consultation with the GWDB; and
- B. After consultation with chief elected officials and after consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).

WIOA further states that the considerations should include the following:

- A. The extent to which the areas are consistent with the labor market areas in the State;
- B. The extent to which the areas are consistent with regional economic development areas in the State; and
- C. The extent to which the areas have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of WIOA, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

WIOA states that a unit of general local government (including a combination of such units) or grant recipient that requests, but is not granted designation of an area as a local area, may submit an appeal to the GWDB under an appeal process established in the State plan and as detailed further in this policy.

Policy:

Designation and Re-designation Policy:

WIOA requires that existing federally recognized workforce areas are designated during the first two program years, which is referred to as Initial Designation, and again after the first two program years, which is referred to as Subsequent Designation. Units of general local government that desire to become a new local workforce area should follow the New Area designation requirements in TEGL 27-14, 5(C).

- A. INITIAL WIOA DESIGNATION FOR EXISTING REGIONS:** Existing workforce regions operating in accordance with the Workforce Investment Act of 1998 may request initial designation as a Local Workforce Development Area if they have performed successfully and sustained fiscal integrity. A request for initial designation must be submitted by June 30, 2015 to the Governor's Workforce Development Board (aka Governor's Workforce Investment Board), through the Nevada Department of Employment, Training and Rehabilitation (DETR) for consideration for the next program year (July 1 – June 30).

An area seeking initial designation must address the following:

1. Submit the request in writing to the Chairperson of the Governor's Workforce Development Board (GWDB) by sending an email to: the GWDB Liaison ajfeijoo@gov.nv.gov, or via U.S. mail to: 555 East Washington Avenue, Suite 4900, Las Vegas, Nevada, 89101. Receipt of the request must be documented by electronic return confirmation and/or USPS return/receipt requested. **If the requestor does not receive confirmation before 5:00 PM two months prior to the due date given in guidance from Department of Labor (DOL), it is their responsibility to contact the GWDB Liaison at (702)486-8080 to ensure that the notice has been received.**
2. The respective LWDB must be a WIOA-compliant board per WIOA Title I, Section 107 in conflict of interest and transparency **and as defined by SCP 4.6. ~~and have no familial relationship to the 3rd degree of consanguinity, business, financial, or political ties with any member(s) of the One-Stop Operators, its staff, Local Elected Officials.~~** Members must ensure the integrity of their pursuits by taking steps to avoid conflict of interest or even the appearance of conflict of interest per State and Board policy. **ANY conflict of interest by ANY board member must be declared and then abstained from voting on that agenda item. Reference SCP 4.6 Conflict of Interest.**
3. Provide evidence that the area, in the two most consecutive program years, met or exceeded the agreed upon adjusted levels of performance for the Common Measures, as defined by existing performance agreements, and was not subject to the sanctions process resulting from missing the same measure two years in a row. Said evidence must be demonstrated, documented and included in the request.
4. Provide assurance that during the two most consecutive program years, the U.S. Secretary of Labor, or the State in place of the Secretary, has not made a formal determination that the grant recipient or administrative entity for the local area

has mis-expended funds due to willful disregard, gross negligence, or failure to comply with accepted standards of administration.

5. Provide evidence that the area, in the two most consecutive program years, was committed to providing quality service through continuous improvement efforts and implemented plans that supported sector partnerships or career pathways; or enhanced services to employers or outreach efforts to the local community. Progress reports submitted to the GWDB on annual plans for these years will serve as sufficient data.
6. The Local Workforce Development Board/One-Stop Operator will be on the State's case management system at the time of certification. The State may issue a six-month waiver should said system be in development.

If the request meets all requirement criteria, the GWDB will recommend approval to the Governor of a local area's request that satisfies these requirements in accordance with WIOA Sec. 106(b)(2). Initial designation as a local area will remain valid until June 30, 2017.

B. SUBSEQUENT WIOA DESIGNATION: Local areas that receive initial designation may request subsequent designation as a Local Workforce Development Area if they have performed successfully, sustained fiscal integrity, and met the requirements for involvement in WIOA regional planning for the two most recent program years of initial designation. Consistent with 20 CFR 679.250(e) for the purposes of subsequent designation under paragraphs (b) and (d) of that section, the local area and CEOs must be considered to have requested continued designation unless the local area and the CEOs notify the Governor that they no longer seek designation.

An area seeking subsequent designation must address the following:

1. Submit the request in writing to the Chairperson of the GWDB and to the Liaison of the GWDB by sending an email to: ajfeijoo@gov.nv.gov, or via U.S. mail to: 555 East Washington Avenue, Suite 4900, Las Vegas, Nevada, 89101. Receipt of the request must be documented by electronic return confirmation and/or USPS return/receipt requested. **If the requestor does not receive confirmation before 5:00 PM two months prior to the due date given in guidance from DOL, it is their responsibility to contact the GWDB Liaison at (702)486-8080 to ensure that the notice has been received.**
2. The respective Local Workforce Development Board must be a WIOA-compliant board per WIOA, Sec. 107, in conflict of interest and transparency. ~~and have no familial relationship to the 3rd degree of consanguinity, business, financial, or political ties with any member(s) of the One-Stop Operators, its staff, Local Elected Officials Consortium, or an employee of a mandatory core program located within the One-Stop in the respective Local Workforce Development Area(s).~~ Members must ensure the integrity of their pursuits by taking steps to avoid conflict of interest or even the appearance of conflict of interest per State and Board policy. **ANY conflict of interest by ANY board member must be declared and then abstained from voting on that agenda item. Reference SCP 4.6 Conflict of Interest.**
3. Evidence that the area, in the two most consecutive program years, met or exceeded the adjusted levels of performance for the Common Measures and was not subject to the sanctions process resulting from missing the same measure two years in a row.

Said evidence must be demonstrated, documented and included in the request.

4. Assurance that during the two most consecutive program years, the U.S. Secretary of Labor, or the State in place of the Secretary, has not made a formal determination that the grant recipient or administrative entity for the local area has misspent funds due to willful disregard, gross negligence, or failure to comply with accepted standards of administration.
5. Evidence that the area, if a part of a WIOA planning region, has fulfilled its obligations to engage in regional planning efforts during the two most consecutive program years. Regional plans can be submitted to demonstrate fulfillment of obligations.
6. Provide evidence that the area, in the two most consecutive program years, was committed to providing quality service through continuous improvement efforts and implemented plans that supported sector partnerships or career pathways; or enhanced services to employers or outreach efforts to the local community. Progress reports submitted to the GWDB on annual plans for these years will serve as sufficient data.
7. The LWDB/One-Stop Operator will be on the State's case management system at the time of certification. The State may issue a six-month waiver should said system be in development.

The GWDB will recommend approval to the Governor of a local area's request that satisfies these requirements in accordance with WIOA section 106(b)(2).

C. WIOA DESIGNATION FOR NEW AREAS: Any unit of general local government may request designation as a Local Workforce Development Area under WIOA. New local area designations will only become effective on July 1 of the subsequent program year. An area seeking new designation must perform the following:

1. A statement of intent to request designation **must be submitted to the GWDB no later than February 15th to be considered for the subsequent program year through email to the GWDB Liaison at ajfeijoo@gov.nv.gov or via U.S. mail to: 555 East Washington Avenue, Suite 4900, Las Vegas, Nevada, 89101.**
2. The GWDB will work with the requesting area to determine the deadline for the full request. Submitted materials will be made available for **public comment** as a part of the review process. The full request for designation as a Local Workforce Development Area must include the following components and steps:
 - i. Submit the request in writing to the Chairperson of the GWDB and to the Liaison of the GWDB through email to: ajfeijoo@gov.nv.gov or via U.S. mail to: 555 East Washington Avenue, Suite 4900, Las Vegas, Nevada, 89101. Receipt of the request must be documented by electronic return confirmation. If the requestor does not receive confirmation, it is their responsibility to contact the Liaison of the GWDB to ensure that the notice has been received.
3. The respective LWDB/One-Stop operator must be WIOA-compliant per WIOA Sec. 107 in conflict of interest and transparency. *and have no familial relationship to the third degree of consanguinity, business, financial, or political ties with any member(s) of the One-Stop Operators, its staff, Local Elected Officials Consortium, or an employee of a mandatory core program located within the One-Stop in the respective Local Workforce Development Area(s).* Members must ensure the integrity of their

pursuits by taking steps to avoid conflict of interest or even the appearance of conflict of interest per Board policy. ANY conflict of interest by ANY board member must be declared and then abstained from voting on that agenda item. Reference SCP 4.6 Conflict of Interest.

4. The request must clearly state the circumstances for the request of local area designation.
5. The request must also address and clarify how the following criteria are to be met:
 - Consistency with the labor market areas in the State.
 - Consistency with regional economic development areas in the States.
 - Existence of education and training providers, such as institutions of higher education and career and technical education schools in the area.
 - Submission of a service delivery plan that includes a description of resources that would be available to the area to provide services.
 - Coordination of multiple resources within areas that are based on labor markets and natural travel patterns of local residents.
 - Local support of the implementation strategies to provide quality services to employers and individuals by county commissioners, municipal elected officials including mayors and/or city council members where appropriate, and business or community leaders within the area as demonstrated by letters of support or a vote of support by a city council or other applicable board.
 - Local ownership, exhibited by strong involvement of local elected officials and community leaders on the LWDB.
 - Local capacity to manage funds, provide oversight of programs, and provide for the proper stewardship of public funds.
6. The request must address how the proposed new area designation will impact those other workforce areas from which it is withdrawing, if applicable. It should be understood by any unit of general local government or combination of such seeking designation, that the new area will only secure the formula allocated funds for each WIOA funding stream based on the formula factors as defined by WIOA. If the area in question becomes part of a consortium, the consortium will determine the distribution of WIOA funds within its region(s).
7. If opposition to the request is voiced by municipalities or counties within the area seeking designation, then the requesting entity will address their request at a public hearing. The requesting entity will have the opportunity to respond to concerns and questions at the hearing, and all comments will be recorded and used to inform the GWDB's action on the request. If a hearing is necessary, it will be held within 45 days of receipt of the request. Time and place is to be determined by the GWDB Liaison. The GWDB Liaison and Chair will take the request and comments from the public as well as from a public hearing, if applicable, and determine a recommendation.
8. The GWDB will submit its recommendation to the Governor within five (5) business days following the GWDB's vote.

9. The final decision resides with the Governor and shall be made prior to May 29th, i.e., four weeks prior to July 1 beginning of the respective fiscal and program year.
10. The LWDB/One-Stop operator will be integrated into and utilizing the State's case management system at the time of certification. The State may issue a six-month waiver should said system be in development.

Appointment and Certification of the LWDB (WIOA Sec. 107(c)(2))

CERTIFICATION.—

(A) IN GENERAL.—The Governor shall, once every 2 years, certify 1 local board for each local area in the State.

(B) CRITERIA.—Such certification shall be based on criteria established under subsection (b), and for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2).

(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described in paragraph (1) and this paragraph.

(3) DECERTIFICATION.—

(A) FRAUD, ABUSE, FAILURE TO CARRY OUT FUNCTIONS.—

Notwithstanding paragraph (2), the Governor shall have the authority to decertify a local board at any time after providing notice and an opportunity for comment, for—

(i) fraud or abuse; or

(ii) failure to carry out the functions specified for the local board in subsection (d).

(B) NONPERFORMANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance accountability measures for such local area in accordance with section 116(c) for 2 consecutive program years.

(C) REORGANIZATION PLAN.—If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under subsection (b).

Appeals Process Policy

Local area(s) seeking to be designated or re-designated, as a local workforce development area, which have been denied, may appeal the decision to the GWDB by performing the following: (20 CFR §679.290)

1. An appeal must be submitted in writing and filed with the GWDB ***within fourteen (14) working days after notification of the decision.*** Submit the appeal to the Chairperson of the GWDB and to the Liaison of the GWDB by sending an email to: ajfeijoo@gov.nv.gov or via U.S. mail to: 555 East Washington Avenue, Suite 4900, Las Vegas, Nevada, 89101.
2. The appeal must contain a specific declaration of the grounds upon which the appeal is sought.

3. The GWDB will review the appeal at its next scheduled meeting, and make a recommendation to the Governor. The review will take into account the information in the original request and supplemental information provided in the appeal to determine if the criteria set in this policy have been met.
4. The final decision and authority resides with the Governor, and shall be made within a timely manner.
5. If the appeal is connected to a request for initial or subsequent designation as prescribed in this policy, and if the appeal does not result in designation, the entity may request review by the Secretary of Labor to determine if procedural rights were granted or if the minimum criteria of WIOA Section 106(b)(2) or Section 106(b)(3) were met. (20 CFR §683.640)

This second level of appeal must be sent within 30 days to:

Assistant Secretary of Employment and Training
U.S. Department of Labor
200 Constitution Avenue, N.W. Washington, DC 20210

cc: ETA Regional Administrator, U.S. Department of Labor
90 7th Street, Suite 17-300 San Francisco, CA 94103-1516

Governor's Workforce Development Board
c/o State Board Liaison
555 East Washington Avenue, Suite 4900, Las Vegas, Nevada, 89101.

If the final decision of any appeal reverses the prior decision, it will become effective July 1st of the following year.

Policy Summary

State Compliance Policy (SCP) 1.13

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 1.13 to the Governor's Executive Committee for review and approval.

The ETPL is made publicly available online through the State's Management Information System (MIS), EmployNV to disseminate information in an electronic format that is accompanied by relevant performance and cost information. LWDBs staff ensure the accountability, quality and labor-market relevance of training services programs that receive funds through WIOA.

A program of training services is defined as one or more courses or classes, or a structured regimen that leads to: an industry-recognized certificate or certification; a certificate of completion of a registered apprenticeship; a license recognized by the State involved or the Federal government; an associate or baccalaureate degree; a secondary school diploma or its equivalent; employment; or measurable skill gains toward a credential.

A training provider must maintain required licensure, deliver results and provide accurate information in order to retain its status as the ETPL.

This policy provides guidance in enforcement of training provider services and describes the procedures of monitoring, corrective action, removal from the list as necessary, appeal and repayment.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 1.13

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Enforcement of Training Provider Services

Issued: New May 2019, replacing Workforce Investment Act (WIA) SCP 1.13

Purpose: The State and Local Workforce Development Boards (LWDB) Eligible Training Provider List (ETPL) and the related eligibility procedures, WIOA Sec. 122 and State Compliance Policy (SCP) 1.12, ensure the accountability, quality and labor-market relevance of training services programs that receive funds through WIOA title I. The ETPL is made publicly available online through the State's Management Information System (MIS), EmployNV to disseminate information in an electronic format that is accompanied by relevant performance and cost information.

A provider must maintain required licensure, deliver results and provide accurate information in order to retain its status as the ETPL. This policy describes the procedures of monitoring, corrective action, removal from the list as necessary, appeal and repayment.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), 20 CFR §680.480-490; 2 CFR §200; 29 CFR §38; TEGL 2-12; TEGL 41-14; TEGL 19-16; TEGL 21-16; TEGL 14-18; TEGL 3-18; TEGL 5-18; Nevada Revised Statutes (NRS) 394;

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDBs policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

The ETPL, as envisioned by state and federal law, is critical to ensure that the highest level of training services are available to the participants of our state.

WIOA Sec. 116, 122 and 123 describe the requirements of maintaining a comprehensive list of Eligible Training Providers that are capable of providing training to participants using Individual Training Account funds. The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, career pathways, and continuous improvement. The quality of providers and programs of training services, including Registered Apprenticeship programs, is vital to achieving these core principles.

Eligible Training Providers must be licensed and or accredited by the appropriate Local, State and Federal authorities to apply and remain on the ETPL. Consistent with WIOA Sec. 116, training providers must meet or exceed established performance criteria as described in SCP 1.12 and in EmployNV, the system of reporting to DOL.

A program of training services is defined as one or more courses or classes, or a structured regimen that leads to: an industry-recognized certificate or certification; a certificate of completion of a registered apprenticeship; a license recognized by the State involved or the Federal government; an associate or baccalaureate degree; a secondary school diploma or its equivalent; employment; or measurable skill gains toward a credential. A program of training services may be delivered in person, online, or both and must appear on the ETPL for use with WIOA.

Reference NRS 394 for provisions for private educational institutions and establishments.

Policy and Procedure:

Providers of Occupational Training Program(s) are required to complete the Registration for Provider User/Provider, Application or Re-Application process and agree to Performance Requirements, Personal Identifiable Information (PII), Debarment and Suspension Certification, Intentional Omission and Inaccurate Information clauses and certification requirements, as appropriate, and as described in EmployNV and its User Guide for Provider Staff to place their program(s) on the ETPL and visible to the public for use in WIOA programming.

Enforcement: (WIOA Sec. 122(f))

(f) ENFORCEMENT.—

(1) IN GENERAL.—The procedures established under this section shall provide the following:

(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—

Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, violated this section (or section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) by intentionally supplying inaccurate information under this section, the eligibility of such provider to receive funds under chapter 3 shall be terminated for a period of time that is not less than 2 years.

(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title (or title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment), the eligibility of such provider to receive funds under chapter 3 for the program involved shall be terminated for a period of not less than 2 years.

(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment, or chapter 3 of this subtitle during a period of violation described in such subparagraph.

(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but shall not supplant, civil and criminal remedies and penalties specified in other provisions of law.

(20 CFR §680.460(g)-(k)):

(g) The information requirements that the Governor establishes under paragraph (f)(1) of this section must require eligible training providers to submit appropriate, accurate, and timely information for participants receiving training under WIOA title I, subtitle B. That information must include:

(1) The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(2) The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

(3) The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(4) The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;

(5) Information on recognized postsecondary credentials received by program participants;

(6) Information on cost of attendance, including costs of tuition and fees, for program participants;

(7) Information on the program completion rate for such participants.

(h) The eligibility criteria must require that:

(1) Providers submit performance and cost information as described in paragraph (g) of this section and in the Governor's procedures for each program of training services for which the provider has been determined to be eligible, in a timeframe and manner determined by the State, but at least every 2 years; and

(2) That the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.

(i) The procedure for continued eligibility also must provide for the State biennially to review provider eligibility information to assess the renewal of training provider eligibility. Such procedures may establish minimum levels of training provider performance as criteria for continued eligibility.

(j) The procedure for biennial review of the provider eligibility must include verification of the registration status of registered apprenticeship programs and removal of any registered apprenticeship programs as described in § 680.470.

(k) The Governor may establish procedures and timeframes for providing technical assistance to eligible training providers who are not intentionally supplying inaccurate information or who have not substantially violated any of the requirements under this section but are failing to meet the criteria and information requirements due to undue cost or burden.

(l) The Governor's procedures must include what the Governor considers to be a substantial violation of the requirement to timely and accurately submit all of the information required for completion of the eligible training provider performance reports required under WIOA sec. 116(d)(4) and all of the information required for initial and continued eligibility in this subpart.

(1) The Governor's procedures on determining a substantial violation must take into account exceptional circumstances beyond the provider's control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues.

(2) Providers who substantially violate the requirement in paragraph (g), [performance], of this section to timely and accurately submit all required information must be removed from the State list of eligible training providers and programs, as provided in § 680.480(b).

Suspension/Removal

Provider Loss of Eligibility: (20 CFR §680.480)

(a) A training provider must meet the Governors requirements for eligibility and provide accurate information in order to retain its status as an eligible training provider.

(b) Providers determined to have intentionally supplied inaccurate information or to have substantially violated any provision of title I of WIOA or the WIOA regulations, including 29 CFR part 38, must be removed from the State list of eligible training providers and programs in accordance with the enforcement provisions of WIOA sec. 122(f). A provider whose eligibility is terminated under these conditions must be terminated for not less than 2 years and is liable to repay all youth, adult, and dislocated worker training funds it received during the period of noncompliance. The Governor must specify in the procedures which individual or entity is responsible for making these determinations and the process by which the determination will be made, which must include an opportunity for a hearing that meets the requirements of § 683.630(b) of this chapter.

(c) As a part of the biennial review of eligibility established by the Governor, the State must remove programs of training services that fail to meet criteria established by the Governor to remain eligible, which may include failure to meet established minimum performance levels. Registered apprenticeship programs only may be removed for the reasons set forth in § 680.470.

(d) The Governor must establish an appeals procedure for providers of training services to appeal a denial of eligibility under this subpart that meets the requirements of § 683.630(b) of this chapter, which explains the appeals process for denial or termination of eligibility of a provider of training services.

(e) Where a Local WDB has established higher minimum performance standards, according to § 680.430(e), the Local WDB may remove a program of training services from the eligible programs in that local area for failure to meet those higher performance standards. Training providers may appeal a denial of eligibility under § 683.630(b) of this chapter.

Required Performance and Cost Information for Each Training Service: (20 CFR §680.490)-Excludes Registered Apprenticeship

(a) In accordance with the State procedure under §680.460(i), eligible training providers, except registered apprenticeship programs, must submit, at least every 2 years, appropriate, timely, and accurate performance and cost information.

(b) Program-specific performance information must include:

(1) The information described in WIOA sec. 122(b)(2)(A) for individuals participating in the programs of training services who are receiving assistance under WIOA. This information includes indicators of performance as described in WIOA secs. 116(b)(2)(I)–(IV) and §680.460(g)(1) through (4);

(2) Information identifying the recognized postsecondary credentials received by such participants in §680.460(g)(5);

(3) Program cost information, including tuition and fees, for WIOA participants in the program in §680.460(g)(6); and

(4) Information on the program completion rate for WIOA participants in §680.460(g)(7).

(c) Governors may require any additional performance information (such as the information described at WIOA sec. 122(b)(1)) that the Governor determines to be appropriate to determine, maintain eligibility, or better to inform consumers.

(d) Governors must establish a procedure by which a provider can demonstrate that providing additional information required under this section would be unduly burdensome or costly. If the Governor determines that providers have demonstrated such extraordinary costs or undue burden:

(1) The Governor must provide access to cost-effective methods for the collection of the information;

(2) The Governor may provide additional resources to assist providers in the collection of the information from funds for statewide workforce investment activities reserved under WIOA secs. 128(a) and 133(a)(1); or

(3) The Governor may take other steps to assist eligible training providers in collecting and supplying required information such as offering technical assistance.

NOTE: Provider performance reports are due through the EmployNV system no later than August 15, 2019 and each year thereafter. Should August 15 fall on a weekend, the report is due the Friday before.

State Procedures: (20 CFR §683.600(d))

(d) State procedures must provide:

(1) A process for dealing with grievances and complaints from participants and other interested parties affected by the statewide Workforce Investment programs;

(2) A process for resolving appeals made under paragraph (c)(4) of this section;

(3) A process for remanding grievances and complaints related to the local Workforce Innovation and Opportunity Act programs to the local area grievance process; and

(4) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint; and

(5) An opportunity for appeal to the Secretary under the circumstances described in § 683.610(a).

(e) Procedures of direct recipients must provide:

(1) A process for dealing with grievance and complaints from participants and other interested parties affected by the recipient's Workforce Innovation and Opportunity Act programs; and

(2) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

(f) The remedies that may be imposed under local, State, and direct recipient grievance procedures are enumerated at WIOA sec. 181(c)(3).

(g) (1) The provisions of this section on grievance procedures do not apply to discrimination complaints brought under WIOA sec. 188 and/or 29 CFR part 38. Such complaints must be handled in accordance with the procedures set forth in that regulatory part.

(2) Questions about or complaints alleging a violation of the nondiscrimination provisions of WIOA sec. 188 may be directed or mailed to the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue NW., Washington, DC 20210, for processing.

(h) Nothing in this subpart precludes a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law.

Reference SCP Section 4 and 5.

Factors Affecting Allowability of Costs: (2 CFR §200.403)

Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

(a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

(b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.

(c) Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.

(d) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.

(e) Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.

(f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. See also §200.306 Cost sharing or matching paragraph (b).

(g) Be adequately documented. See also §§200.300 Statutory and national policy requirements through 200.309 Period of performance of this part.

Allocable Costs: (2 CFR §200.405)

(a) A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. This standard is met if the cost:

(1) Is incurred specifically for the Federal award;

(2) Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and

(3) Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in accordance with the principles in this subpart.

(b) All activities which benefit from the non-Federal entity's indirect (F&A) cost, including unallowable activities and donated services by the non-Federal entity or third parties, will receive an appropriate allocation of indirect costs.

(c) Any cost allocable to a particular Federal award under the principles provided for in this part may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

(d) Direct cost allocation principles. If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, notwithstanding paragraph (c) of this section, the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a Federal award, the costs are assignable to the Federal award

regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required. See also §§200.310 Insurance coverage through 200.316 Property trust relationship and 200.439 Equipment and other capital expenditures.

(e) If the contract is subject to CAS, costs must be allocated to the contract pursuant to the Cost Accounting Standards. To the extent that CAS is applicable, the allocation of costs in accordance with CAS takes precedence over the allocation provisions in this part.

Initial Eligibility Denials

A training provider or program may be denied initial eligibility for the following reasons:

- The application is not complete or information was not provided in a timely manner;
- The training provider does not meet the WIOA definition of an eligible training entity;
- The training program does not have the proper licensure or authority to be implemented;
- The training program does not result in or a structured regimen that leads to: an industry-recognized certificate or certification; a certificate of completion of a registered apprenticeship; a license recognized by the State involved or the Federal government; an associate or baccalaureate degree; a secondary school diploma or its equivalent; employment; or measurable skill gains toward a credential;
- The training program does not support in-demand occupations and/or sectors identified through local/regional labor market analysis;
- The training provider is not in compliance with the WIOA statute, regulations, or any agreement executed under WIOA;
- The training program does not meet the WIOA definition of eligible training services; or
- The State or LWDB determines that the training provider intentionally supplied inaccurate information.

The denial notice(s) will consist of a system generated notice informing the Provider User that the application has been denied and issue the cause. The provider may be contacted or contact the LWDB requesting additional/clarifying information.

Reference SCP 1.12 for application process.

NOTE: Classes deemed to be Prevocational (Pre-Voc) in nature, will not appear on the ETPL, however, may be utilized by programs when appropriate per participant need. Costs, if applicable will be charged accordingly by programs and do not contribute towards training expenditure percentages. LWDBs/Programs will determine how to maintain a list of these providers for use.

Removal From The List

Provider/Program(s) Blocked from New Enrollments:

Per LWDB policy, blocking Program(s) from new participant enrollments by notifying WIOA service providers, DETR/WISS and training provider in writing of the blocking of a program on the ETPL for minor violation(s)/suspect violation(s) of the process by removing them from view of the public on EmployNV ETPL for minor violations/suspect violation(s) of the process. This allows participants who are currently attending training to continue uninterrupted to completion. No further participants will be allowed to attend until the Provider has been cleared by the LWDB for new enrollments.

NOTE: LWDBs must monitor the provider closely to ensure the suspect/violation is resolved promptly or remanded for blocking of all participants as appropriate and notify WIOA service providers, DETR/WISS and the training provider of this action.

LWDB/State may block new enrollments to a new/previously approved provider or program (“subsequent eligibility”) for any of the following reasons:

- During an LWDB/State or Federal investigation until a final resolution is reached. Depending on the resolution, the provider may be temporarily or permanently blocked from the list;
- The training provider did not maintain the minimum performance criteria for subsequent eligibility;
- Failed to meet timely and accurate reporting requirements; including performance reports;
- Fails Data Element Validation (DEV)/ LWDB/Federal/State/WISS Monitoring which may include; provider has experienced/suspect fraud, malfeasance or other illegal activity involving funds or participants; unethical billing/illegal billing practices/violations; lack qualified training personnel or building infrastructure;
- Requested tuition costs were not equal to or less than the published rate on the institution website, catalog or flyers. (2 CFR §200.403-404)
NOTE: If textbooks, fees or other materials are not included in the published rate, institution must provide a breakdown of additional costs using the area provided in EmployNV application process;
- Customer satisfaction surveys demonstrate a history of challenges with the program(s) or provider;
- Has failed or failed to respond to the Corrective Action Plan and or the Site Visit request;
- The training provider has a history of failure to provide refunds as required under their or WISS policy;
- The program(s) offered are no longer an In-Demand Occupation (SCP 1.11) or the cost is too high for provider budgets;
- The training program is available for free or lower cost from the same or another source in the community or to non-WIOA participants. (2 CFR §200.404);
- The training provider is now debarred from doing business with the Federal Government, reference SCP 5.1;
- Is in process of renewing accreditation and/or licensure; or
- Other infractions as deemed appropriate by the State/WISS/LWDB.

NOTE: In order to block viewing access to the ETPL, the entity must be made inactive by the LWDB in EmployNV. See EmployNV User Guide.

Provider/Programs Blocked for All Participation: (WIOA Sec. 122(f)(1)(B), 2 CFR §200)

Per LWDB policy, should the abuse be/suspect of a substantial violation(s) or relate to:

- Items listed above that the provider has failed to address or failed to address in a timely matter per LWDB/State;
- The training provider has not complied with Nondiscrimination and Equal Opportunity Provisions of WIOA (29 CFR §38, Section 4 of SCP);
- Occupational Health & Safety concerns or violations;

- Acts of fraud, corruption or attempts to defraud the Federal Government including False Claims Act/Anti-kickback Act, misfeasance, nonfeasance, gross/mismanagement, acts that constitute a cause for debarment or suspension;
- Failed to meet timely and accurate reporting requirements; including performance reports;
- Intentional falsification of documents, documentation, reports, including performance;
- The training provider has lost required accreditation/certifications and/or licensure, relevant Instructor(s);
- The inability of the provider to offer programs that lead to recognized post-secondary credentials, gain or retain employment; or
- Other infractions as deemed appropriate by State/WISS.

The LWDB/State/WISS must immediately determine the best course of action including blocking all students/participants from the Provider campus(s) temporarily or permanently per WIOA, Federal, State, City, County, NRS or LWDB law/policy.

NOTE: In order to block viewing access to the ETPL, the entity must be made inactive by the LWDB in EmployNV. See EmployNV User Guide.

Repayment of Program Funds: (WIOA Sec. 122(f); 2 CFR §200.410)

A provider of training services whose eligibility is terminated due to the aforementioned termination causes shall be liable for the repayment of funds of all adult, dislocated worker, and youth funds received under Title I-B of WIOA or WIA during the period of non-compliance. No repayment funds should be collected from the training provider until the opportunity to appeal is over which is 90 days from the date of the initial denial notice.

Financial Reimbursement: (WIOA Sec. 122(f)(1)(C))

An Eligible Training Provider whose eligibility is terminated as a result of the reasons specified [in WIOA regulations, ***this policy***] or any other egregious acts, shall be liable for repayment of all funds received during any period of noncompliance.

Appeal Process

Following issuance of a denial of eligibility, determination of suspension or termination of eligibility the training provider will have 30 days in which to submit an appeal, in writing, to the GWDB per SCP 4.4.

Within 30 days of the receipt of the appeal, the training provider will be notified of the date, time, and place where a due process hearing will be conducted. After that hearing a decision will be issued within 30 days.

All appeals must be forwarded, in writing, to the following:

Office of Workforce Innovation (OWINN)
555 East Washington Ave # 4900
Las Vegas NV 89101

With a copy to:

Nevada Department Employment, Training and Rehabilitation (WISS)
500 East Third St.
Carson City, NV 89713

And the appropriate LWDB; either

Workforce Connections
6330 West Charleston Boulevard, Suite 150
Las Vegas, NV 89146

Or

Nevadaworks
639 Isbell Road, Suite 420
Reno, NV 89509

Violation Procedure: (TEGL 2-12, SCP 4.7 and 5.2)

The LWDB must have a written violation procedure to capture, report and retain documentation for all suspected violations to the ETPL contract. It can consist of a Pre-Report which could be verbal (LWDB to State/Provider and vice versa) to gain/concur information/direction to WISS/LWDB/DOL, written Initial Incident Report (IR), Supplemental Incident Report (SIR) and Final Incident Report (FIR) and progress Office of Inspector General (OIG) as appropriate per TEGL 2-12 Incident Reporting (IR) 1-156 requirements. It is imperative that reporting be done immediately upon learning of the alleged violation, even if many details are still unknown. The procedure must indicate how the alleged violation was identified, i.e. training program/site monitoring, participant complaint, continued eligibility review, or other means that provide evidence of potential non-compliance with contract, policy or law. The outcome of the investigation will determine whether the provider can continue to receive referrals for participation in Occupational Skills Training through providers on the ETPL.

Reference SCP 4.7/5.2 for full details in incident reporting.

The violation procedure must include how the LWDB will communicate with the provider, a process for corrective action if applicable and blocking new/all enrollments. LWDB policy must include the procedure for reversing the block as the infraction(s) are cleared, as appropriate.

The policy must describe the appropriate steps to be taken including the procedure for removal of all students from the training if necessary, best practice procedure for re-assignment, in a timely manner, to another eligible training provider as appropriate.

The LWDB will issue the IR to WISS per SCP 4.7 for processing to DOL/OIG unless otherwise authorized by WISS.

Reactivation:

LWDB/State may reactivate a provider/program previously blocked from new participants from the ETPL, if the training provider makes a written request to the LWDB to reactivate the program and demonstrates compliance with all eligibility, reporting and operating requirements. Note that reactivation is at the discretion of LWDB. Reference Corrective Action Plan (CAP) requirements.

Only the State/WISS can approve the reactivation of a provider/program as presented by the LWDB, if it has previously been blocked of all student/participants and once it has been proven to be in compliance of all regulations, issued a corrective action plan sufficient to the State/LWDB, and completed the required 2-year suspension time frame and repayment of funds for period of noncompliance as applicable.

Additional Requirements:

LWDBs must have written policy to address how they will ensure Training Providers will meet the requirements set forth by WIOA, State (including appropriate NRS), and include:

- Providers Blocked from New Enrollments;
- Providers Blocked from All Enrollments;
- Defining minor violations;
- Timely and thorough review of provider EmployNV registration, applications and notifications (provider and program(s)), including required accreditations, licensure, reports and required performance;
- Timely and thorough review of provider biannual re-application through EmployNV to include review of customer/program staff/ etc. complaints/incidents, Board, State or Federal reviews/investigations and performance to date;
- A monitoring on-site inspection schedule (at least bi-annually) to ensure alignment with Section 4 of SCP including harassment, discrimination, accessibility for individuals with disabilities, appraisal for hazards etc. and Section 5 of SCP to dissuade fraud & abuse, at a minimum;
- Investigative process including requirements of written documentation, retention (5 years from final disposition) and retrieval of said documentation;
- A written complaint (customer, program staff, etc.) process including requirements of written documentation and retention of;
- Process for determining when a provider should remain on the ETPL when there have been no enrollees within the past year(s); and
- Procedure how the LWDB will work with the training provider, reporting persons/agencies, law enforcement, State and Federal personnel as necessary for investigative purposes, corrective action plans, documentation, retention and reporting of required incidents.
- Written procedure, including timeline, for checking for debarred companies at Office of Federal Contract Compliance Programs:
<https://www.dol.gov/ofccp/regs/compliance/preaward/debarlst.htm> or
System for Award Management (SAM):
<https://www.sam.gov/SAM/>

Reference SCP 4.7 and 5.2 for Incident Reporting requirements.

Policy Summary

State Compliance Policy (SCP) 3.4

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 3.4 to the Governor's Executive Committee for review and approval.

Expenditure of WIOA funds are allowable only for activities permitted by the WIOA Title 1 and relevant regulations. The Uniform Guidance under Title 2 CFR Part 200 establishes uniform administrative requirements, cost principles, and audit requirements for federal awards.

This policy provides guidance on Cash Management associated with WIOA.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 3.4

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Cash Management

Issued: NEW; replacing Workforce Investment Act (WIA) SCP 3.4

Purpose: To provide Local Workforce Development Boards (LWDBs), Chief Elected Officials (CEOs) and American Job Centers of Nevada (One-Stop Career Center Operators) with the Workforce Innovation and Opportunity Act (WIOA) requirements for cash management.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in ***bold, italic type***.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), 2 CFR 200.300-307; CFR §683.100-295; One-Stop Comprehensive Financial Management Technical Assistance Guide Part I and II. Generally Accepted Accounting Principles (GAAP)

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDBs policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: Expenditure of WIOA funds are allowable only for activities permitted by the WIOA Title 1 and relevant regulations. The Uniform Guidance under Title 2 CFR Part 200 establishes uniform administrative requirements, cost principles, and audit requirements for federal awards.

Policy and Procedure:

I. Cash Forecasting

- A. Cash forecasting identifies specific needs within a specific timeframe and is required of LWDBs and their sub-recipients.
- B. Cash forecasting can be daily, weekly, on some other defined disbursement cycle.
- C. Net Payroll/Payroll Taxes/Fringe Benefits:

1. Net payroll, not gross salaries, should be used for cash forecasting purposes. Normally payroll deductions and tax deposits are disbursed at different times from the payroll dates.
 2. Fringe benefits such as retirement, medical, Federal Insurance Contributions Act (FICA) and Worker's Compensation are also normally paid in a period different from the corresponding payroll dates.
- D. Accrued expenses often will exceed cash disbursements. Cash is not needed to accommodate an accrual until the check written to pay an invoice is paid out by the bank.
- E. Incurring an obligation does not require cash. Cash is only needed when checks written against those obligations are presented at the bank for clearance, or when payment warrants are issued.

II. Cash Management for LWDBs and their sub-recipients

- A. 2 CFR 200.305 states that the non-federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity, and financial management systems that meet the standards for fund control and accountability as established in this part.
- B. If the LWDB cannot meet the criteria for advance payments or comply with the required cash management standards, then reimbursement is the preferred method.
- C. Grantees must limit requests for cash to the minimum amounts needed and must time their requests to meet actual immediate cash needs.
- D. Grantees/subrecipients will not be eligible for advance funds based on cash forecasting if they are considered "high risk" or "Not Viable" per DETR ESD-Workforce Investment Support Services Fiscal Oversight Monitoring Guide dated August 2015).
- E. Reimbursement is the preferred method of payment if the standards in II A & B are not met (2CFR §200.305 (b)(3))
- F. To the extent available, recipients must disperse funds available from program income before requesting additional cash payments. (2 CFR §200.305 (b)(5))
- G. Advance payments of funds must be deposited and maintained in insured accounts whenever possible unless the following apply (2 CFR §200.305 (8) (i-iii))
 1. The recipient receives less than \$120,000 in Federal awards per year.
 2. The best reasonably available interest- bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
 3. The depository would require an average or minimum so high that it would not be feasible within the expected Federal and non-Federal cash resources.

III. Working Capital Advance

- A. A working capital advance is a one-time process to advance cash payments to a subrecipient to cover its estimated disbursement needs for an initial period geared to their disbursing cycle. Use of the working capital advance method requires that the recipient provide timely advance payments to any subrecipients in order to meet the subrecipients actual cash disbursements. (2 CFR§200.305(b)(4))
- B. After the initial advance, reimbursements will be for actual cash disbursements.

IV. Request for Reimbursement

- A. Grantees shall prepare requests for reimbursements as follows:
 - 1. For requests for funds prepared on an advanced basis, outlay (expenditures) are the sum of the actual cash disbursement for direct charges for good and services, the amount of the indirect expense incurred, and the amount of the cash advances and payments made to contractors and sub grantees. These costs must be split out by Operating and Provider.
- B. Grantees shall submit a "Request for Reimbursement" form to DETR's Workforce Investment Support Services unit. Within 24 hours, provided the request was received before 2 p.m. or any requests received after 2 p.m. will not be reviewed until the next working day, WISS will:
 - 1. Review and submit approved reimbursement requests to DETR/FM; or
 - 2. Provide written notification and explanation to requestor as to why the request cannot be approved.
- C. All approved reimbursement requests will be processed by DETR/FM within 2 working days (requests received after 2 p.m. will not be reviewed until the next day).
- D. All State Grantees must be registered with the State Controller's office. EFT payment(s) will process through that system and will be available typically within 48 hours of DETR's submission. A remittance advice of funds transferred will be sent to the Grantee or its fiscal agent once funds are transferred.
 - 1. Any changes to the Grantee's banking information or location must be reported through on-line submission with the State Controller's office at:
http://controller.nv.gov/VendorServices/Electronic_Vendor_Registration.html

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 4.6

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Conflict of Interest/Nepotism

Issued: New, May 2019 replacing Workforce Investment Act (WIA) SCP 4.6

Purpose: As the stewards of federal funds, recipients must be committed to maintaining the highest of standards of ethical conduct and to guard against problems arising from real, perceived, or potential conflict of interest. All partners at all levels of participation in the Workforce System funded by the Workforce Innovation and Opportunity Act (WIOA) are expected to read, understand and apply this policy to ensure system integrity and effective oversight. Local areas must refrain from the appearance of favoritism in decisions made concerning individuals, especially decisions concerning eligibility and services provided.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), 2 CFR § 200.112; 20 CFR §679.430; 20 CFR 683.200; Nevada Revised Statutes (NRS) 281.210(1); Nevada Administrative Code (NAC) 284.

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDBs policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

This policy communicates the need to ensure that individuals employed by or representatives of organizations entrusted with public funds and their family members will not personally or professionally benefit from the award or expenditure of such funds. This policy provides that each grant recipient and sub-recipient must guarantee that no individual in a decision-making capacity engages in any activity if a conflict of interest (real, implied, apparent, or potential) is involved. This includes decisions involving the selection, award, or administration of a grant, sub-grant or contract supported by WIOA funds, Eligible Training Provider List, Program Eligibility and Participation.

Chief Local Elected Officials, LWDBs (board members and staff), designated fiscal agents, administrative and program provider staff must help meet the objectives of WIOA through effective policies, procedures, and safeguards that ensure the integrity of these public funds. Throughout the Local Workforce Development Areas safeguards must be in place, ensuring that all those served in the program are not only eligible but also detached from being part of the perception of impropriety or conflict of interest. Local areas need to establish a policy on conflict of interest addressing the provisions identified in this policy as well as ensure their local WIOA Plan addresses the requirements set forth in this policy.

Policy and Procedure:

Local organizations often function simultaneously in a variety of roles, including local fiscal agent, local board staff, One-Stop operator, and direct provider of career services or training services. Any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the local board and chief elected official to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and this policy. (20 CFR §679.430)

If the grant recipient and sub-recipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the grant recipient and sub-recipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest mean that because of relationships with a parent company, affiliate, or subsidiary organization, the grant recipient and sub-recipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. (2 CFR §200.318(c)(2))

In accordance with 20 CFR §200.112 of the Uniform Guidance, recipients of federal awards must disclose in writing any potential conflict of interest to the Department of Labor. Sub-recipients must disclose in writing any potential conflict of interest to the recipient of grant funds to the State. (20 CFR §200.112)

Nepotism: (20 CFR §683.200(g))

- (1) No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.
- (2) To the extent that an applicable State or local legal requirement regarding nepotism is more restrictive than this provision, such State or local requirement must be followed.

One-Stop Operators/Case Managers/Career Coach/Job Developer/Supervisor/Program Manager/ etc.:

Any program staff, case managing or supervisory, dealing with the public, cannot enroll, case manage, supervise or otherwise directly work with family member as participants, applicants/registrants or employees. When a family member of any staff, is in need of WIOA services, that person must be assigned to another staff member in order to avoid a real, perceived or apparent conflict of interest. This could include the necessity of referring the applicant to another WIOA Service Provider. Additionally, programs must disclose any potential conflicts of interest arising from the relationships of operators with particular training service providers or other service providers. (WIOA Section 121 (d)(4)(A))

Contact your LWDB representative should there be questions to appropriateness of any given practice. LWDBs may contact WISS for counsel as necessary.

Governors Workforce Development Board (GWDB) and LWDBs (20 CFR §683.200):

A member of the GWDB, a LWDB, or a standing committee must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of his or her immediate family. ANY conflict of interest by ANY board member must be declared and then abstained from voting on that agenda item.

A local board member who is also an employer who wants to use services on a fee-for-service basis would be prohibited from voting to approve the use of local area services, facilities, or equipment for employment and training activities to such board member's incumbent workers.

Neither membership on the State board, a local board, or a standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions. Reference LWDB/GWDB policy, 2 CFR §200.318 and SCP 1.0.

Procurement; Related to Employees (2 CFR §200.318):

Each grant recipient and sub-recipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the grant recipient and sub-recipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, grant recipients and subrecipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the grantee or grant recipient and sub-recipient. (2 CFR §200.318 (c)(1))

NOTE: An individual may not be placed into a position that will create a supervisory or managerial relationship or a direct line of authority to an employee if the employee is:

- A spouse, child, parent or sibling of the individual;
- The spouse of a child, parent or sibling of the person;
- An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the individual, or the same relation by marriage or domestic partnership; or
- In a dating relationship with the individual.

Except as otherwise provided in NRS 281.210 or NAC 284.375.

Definitions:

Domestic Partnership - the social contract between two persons that is described in NRS 122A.100 or is recognized pursuant to NRS 122A.500. A valid domestic partnership is registered in the State of Nevada when two persons who satisfy the requirements of NRS 122A.100 subsection 2.

DETR/ESD/Workforce Investment Support Services

WIOA State Compliance Policies

Section 4.6 Conflict of Interest/Nepotism

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Conflict of Interest - Conflict between the official responsibilities and the private interests of a person or entity that is in a position of trust. A conflict of interest would arise when an individual or organization has a financial or other interest in or participates in the selection or award of funding for an organization. Financial or other interest can be established either through ownership or employment.

Family Member - including a spouse, child, parent, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, or first cousin or the same relation by marriage or domestic partnership.

Immediate Family - Immediate Family consists of the individuals' parents (including step-parents), spouse, domestic partner, children (including step-children), siblings, grandchildren, grandparents, and any relative by marriage (an "in-law")

Individual - (1) an individual; i.e., officer, or agent, or (2) any member of the individual's immediate family (spouse, partner, child, or sibling), or (3) the individual's business partner.

Organization - A for-profit or not-for-profit entity that employs, or has offered a job to, an individual defined above. An entity can be a partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or a sole proprietor.

Dating relationship - is defined as an intimate association primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

LWDB Requirements:

All sub-recipients (Boards/programs) must have written policy addressing conflict of interest and nepotism across the workforce arena. The policy must describe the procedure, reporting and documentation requirements for alleviating the conflict.

Policy Summary

State Compliance Policy (SCP) 4.7

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 4.7 to the Governor's Executive Committee for review and approval.

The Department of Labor requires allegations of fraud, program abuse or criminal conduct involving grantees or other entities and sub-recipients receiving Federal funds either directly or indirectly from ETA be reported promptly. Systematic procedures to protect against these intendances are vital.

This policy provides guidance on the requirements of Incident Reporting to the Department of Labor as to allegations or suspicions of abuse associated with the administration of WIOA funding.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 4.7

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Incident Reporting Requirements

Issued: NEW May 2019, replacing Workforce Investment Act (WIA) SCP 4.7

Purpose: To transmit procedures to be used by all Employment and Training Administration (ETA) grant recipients for reporting allegations of fraud, program abuse or criminal conduct involving grantees or other entities and sub-recipients receiving Federal funds either directly or indirectly from ETA.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128); TEGL 2-12; 2 CFR §200.113; 2 CFR §200.331(d); 2 CFR §200.338; 20 CFR §683.200(h); 20 CFR §683.620; CFR §683.430; 20 CFR §683.440;

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDBs policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

The Code of Federal Regulation (CFR) requires recipients/sub-recipients report allegations, suspicions, and complaints of possible fraud, program abuse and criminal activities involving WIOA funds. The detection and prevention of fraud and abuse in programs authorized by the Department of Labor (DOL) are of the highest priority. Therefore, systematic procedures to protect against and for reporting instances of suspected or actual fraud, abuse or criminal conduct are vital. Sub-recipients must make sound operation and program decisions at all times to retain the confidence of the public in the expending of these funds. Incident Reports (IR), regardless of funding stream, will be made in a timely manner to ensure proper operating design.

This policy will provide the procedure requirements for investigating allegations of wrongdoing or misconduct to include allegations of suspected fraud, program abuse, and criminal conduct involving grantees and other recipients, including Eligible Training Providers (ETP) or subrecipients of Federal funds from ETA and include the reporting requirements for such.

The IR form, Office of Inspector General (OIG) 1-156, is the official form used within the Department for reporting allegations of criminal and other illegal or improper activities in ETA funded programs.

Policy and Procedure:

The OIG conducts criminal, civil, and administrative investigations into alleged violations of federal laws relating to DOL programs, operations, and personnel. In addition, the OIG conducts criminal investigations to combat the influence of labor racketeering and organized crime in the nation's labor unions in three areas: employee benefit plans, labor-management relations, and internal union affairs. The OIG also works with other law enforcement partners on human trafficking matters.

The IR form is the official form used within the Department for reporting allegations of criminal and other illegal or improper activities in ETA funded programs. Reporting procedures do not supersede the organization's responsibility to safeguard WIOA funds by taking prompt and appropriate corrective action. Internal controls must be in place to prevent the possibility of fraudulent activity within the organization. However, if the known or suspected activity of fraud is related to the organization, this information should be immediately reported to the Chief Executive Officer or management unrelated to the activity. Appropriate actions will be taken immediately to stop the fraudulent activities, safeguard remaining assets and records and prevent future instances from recurring, including personnel action if necessary.

Whenever the entity reporting the allegation of an incident believes that immediate action to prevent further financial loss or other damage is necessary, or recovery of funds or property may be impeded if immediate action is not taken, the reporting entity has the responsibility to take any action it deems appropriate, including contacting the local law enforcement agency. Any immediate action taken or planned by the reporting entity must be reported to the LWDB within one business day by submittal per Board policy. LWDBs must in turn immediately report these incidents to DETR/WISS who will, after clarifying the events, submit the IR to the OIG.

Administrative Rules: (20 CFR§ 683.200(h))

(h) Mandatory disclosures. All WIOA title I and Wagner-Peyser Act recipients of Federal awards must disclose as required at 2 CFR 200.113, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 (Remedies for noncompliance), including suspension or debarment.

Reporting Fraud and Abuse: (20 CFR§ 683.620)

(a) Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to the Department of Labor Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756.

The Web site is [http:// www.oig.dol.gov/contact.htm](http://www.oig.dol.gov/contact.htm).

(b) Complaints of a non-criminal nature may be handled under the procedures set forth in § 683.600 or through the Department's Incident Reporting System.

Mandatory Disclosures: (2 CFR§ 200.113)

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to State Administrative & Accounting Manual (SAM). Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

Remedies for Noncompliance: (2 CFR§ 200.338)

If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in §200.207 Specific conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

- (a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
- (b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- (c) Wholly or partly suspend or terminate the Federal award.
- (d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
- (e) Withhold further Federal awards for the project or program.
- (f) Take other remedies that may be legally available.

Responsibilities: (TEGL 2-12)

Grant recipients are responsible for following the procedures set forth in this TEGL. Grant recipients must immediately document allegations, suspicions and complaints involving possible fraud, program abuse and criminal misconduct using the IR form. In addition, situations involving imminent health or safety concerns, or the imminent loss of funds exceeding an amount larger than \$50,000 (e.g. \$500,000), are considered emergencies and must immediately be reported to the OIG and [Office of Financial and Administrative Management] (OFAM) by telephone and followed up with a written report in the form of an IR, no later than one working day after the telephone report.

Prohibition and Reprisals: (TEGL 2-12)

No action will be taken against any complainant for disclosing information concerning criminal or improper activities or making a valid complaint to proper authorities. Complainants may remain

anonymous. If a complainant considers that his/her position will be compromised by reporting information through the IR system, he/she may send the report directly to the OIG or OFAM.

Resolving Investigations: (20 CFR §683.430)

(a) As a result of an investigation, onsite visit, other monitoring, or an audit (i.e., Single Audit, OIG Audit, [Government Accounting Office] (GAO) Audit, or other audit), the Secretary will notify the direct recipient of the Federal award of the findings of the investigation and give the direct recipient a period of time (not more than 60 days) to comment and to take appropriate corrective actions.

(1) Adequate resolution. The Grant Officer in conjunction with the Federal project officer, reviews the complete file of the monitoring review, monitoring report, or final audit report and the recipient's response and actions under paragraph (a) of this section. The Grant Officer's review takes into account the sanction provisions of secs. 184(b)–(c) of WIOA. If the Grant Officer agrees with the recipient's handling of the situation, the Grant Officer so notifies the recipient. This notification constitutes final agency action.

(2) Inadequate resolution. If the direct recipient's response and actions to resolve the findings are found to be inadequate, the Grant Officer will begin the Grant Officer resolution process under § 683.440.

(b) Audits from 2 CFR part 200 will be resolved through the Grant Officer resolution process, as discussed in § 683.440.

Grant Officer Resolution Process: (20 CFR §683.440)

(a) General. When the Grant Officer is dissatisfied with a recipient's disposition of an audit or other resolution of findings (including those arising out of site visits, incident reports or compliance reviews), or with the recipient's response to findings resulting from investigations or monitoring reports, the initial and final determination process as set forth in this section is used to resolve the matter.

(b) Initial determination. The Grant Officer makes an initial determination on the findings for both those matters where there is agreement and those where there is disagreement with the recipient's resolution, including the allowability of questioned costs or activities. This initial determination is based upon the requirements of WIOA, the Wagner-Peyser Act, and applicable regulations, and the terms and conditions of the grants or other agreements under the award.

(c) Informal resolution. Except in an emergency situation, when the Secretary invokes the authority described in sec. 184(e) of WIOA, the Grant Officer may not revoke a recipient's grant in whole or in part, nor institute corrective actions or sanctions, without first providing the recipient with an opportunity to present documentation or arguments to resolve informally those matters in dispute contained in the initial determination. The initial determination must provide for an informal resolution period of at least 60 days from issuance of the initial determination. If the matters are resolved informally, the Grant Officer must issue a final determination under paragraph (d) of this section which notifies the parties in writing of the nature of the resolution and may close the file.

(d) Final determination.

(1) Upon completion of the informal resolution process, the Grant Officer provides each party with a written final determination by certified mail, return receipt requested. For audits of recipient-level entities and other recipients which receive WIOA funds directly from the Department, ordinarily, the final determination is issued not later than 180 days from the date that the Office of

Inspector General (OIG) issues the final approved audit report to the Employment and Training Administration. For audits of subrecipients conducted by the OIG, ordinarily the final determination is issued not later than 360 days from the date the OIG issues the final approved audit report to ETA.

(2) A final determination under this paragraph (d) must:

- (i) Indicate whether efforts to resolve informally matters contained in the initial determination have been unsuccessful;
- (ii) List those matters upon which the parties continue to disagree;
- (iii) List any modifications to the factual findings and conclusions set forth in the initial determination and the rationale for such modifications;
- (iv) Establish a debt, if appropriate;
- (v) Require corrective action, when needed;
- (vi) Determine liability, method of restitution of funds, and sanctions; and
- (vii) Offer an opportunity for a hearing in accordance with § 683.800.

(3) Unless a hearing is requested, a final determination under this paragraph (d) is final agency action and is not subject to further review.

Violation Procedure:

The LWDB must have a written violation procedure to capture, report and retain documentation for all suspected violations to Title 1 funding. The Pre-Report could be verbal (LWDB to State and vice versa) to gain/concur information/direction to WISS/LWDB/DOL and progress to OIG as appropriate per TEGL 2-12 Incident Reporting (IR) 1-156 requirements. It is imperative that reporting be done immediately upon learning of the alleged violation, even if many details are still unknown. The procedure must indicate how the alleged violation was identified, partner reporting, anonymous tip or other means that provide evidence of potential non-compliance with contract, policy or law.

Initial Incident Report (IR): The procedure must outline an acceptable investigative process that allows the LWDB to complete the OIG 1-156 IR to identify the provision of the alleged violation, the time(s) and date(s), the suspected violator(s), gathering of supporting documentation and witness statements etc. to eventually come to factual finding or conclusion. WISS will fill in the Agency Designation code per instructions.

Supplemental Incident Reports (SIR): Are to be used to supply information that was not available at the time of the initial reporting, request the matter be resolved by another agency for litigation or arbitration. Supplemental reports should be submitted as appropriate using the IR form and without awaiting results of the initial IR. WISS will fill in the Agency Designation code per instructions.

Final Incident Report (FIR): Are to be used when an incident is resolved, or otherwise settled, adjudication and arbitration results are known and all requirements of such adjudication /arbitration have been completed. WISS will fill in the Agency Designation code per instructions.

NOTE: Situations involving imminent health or safety concerns or the imminent loss of funds exceeding \$50,000 are considered emergencies and must be immediately reported to LWDB/DETR and the OIG using the most expedient venue listed below.

- All sub-recipients of Workforce Innovation and Opportunity (WIOA) Title I-B funds, including LWDBs, contractors and service providers must implement policies and procedures to prevent and detect fraud, abuse and criminal activities involving WIOA Adult, Dislocated Worker, and Youth program funds.
- All sub-recipients must report allegations, suspicions and complaints of possible fraud, program abuse and criminal activities involving WIOA Title I-B funds to DETR/WISS through the LWDB for the OIG.
- Whenever the entity reporting the allegation of an incident believes that immediate action to prevent further financial loss or other damage is necessary, or recovery of funds or property may be impeded if immediate action is not taken, the reporting entity has the responsibility to take any action it deems appropriate, including contacting the local law enforcement agency. Any immediate action taken or planned by the reporting entity must be reported to LWDB and DETR/WISS for clarification and submittal.
- Allegations of fraud, abuse, or other criminal activity in WIOA-funded programs may originate from sources other than subrecipients. Such sources may include informant, independent auditors, or local law enforcement agencies. Whenever DETR receives an allegation from such a source, DETR/WISS will prepare an incident report (DOL Form DL 1-156) and submit it to Region 6, in accordance with this policy. In such a case, DETR/WISS will when appropriate, inform the subject subrecipient of the incident reported and advise the latter of the need to take certain action.
- During an investigation, based on a report of fraud or abuse, DOL OIG investigators or auditors may contact a subrecipient regarding an incident of which the subrecipient was not previously aware. Upon learning of the incident from federal sources, the subrecipient should contact LWDB and DETR/WISS to determine whether the latter is aware of the incident. If the subrecipient is not aware of the allegations, but DETR/WISS is; then the latter will, when appropriate, inform the former of the specific allegations contained in the incident report through communication with the LWDB.
- **OIG Hotline:** The OIG operates this Hotline to receive and process allegations of fraud, waste, and abuse concerning Department grants, contracts, programs and operations. The OIG also uses the Hotline to address allegations of criminal activity and serious misconduct involving Department employees. Hotline complaints can be sent directly to the Complaints Analysis Office, Office of Inspector General, 200 Constitution Avenue, N.W., Room S-5506, Washington, D.C. 20210. They can be telephoned to the OIG on the Toll-Free Hotline at 1-800-347-3756 or (202) 693-6999 (this is not a toll-free number); or they can be emailed to hotline@oig.dol.gov. The OIG Hotline should not be used for resolving employee grievances, Equal Employment Opportunity complaints, labor disputes, or other personnel concerns.

NOTE: The submission of the IR should not be delayed, even if all facts are not readily available. Any facts subsequently developed by the subrecipient are to be forwarded in a supplemental IR per DL1-156 instructions. The IR form and its instructions can be found in SCP 5.2.

When the OIG receives an IR, they determine whether the allegations have merit and, when appropriate, conduct or arrange for an investigation and/or audit. If the OIG determines that the case does not have investigative or audit merit, the case is referred back to ETA for resolution.

Definitions:

Complaint: For this policy, means criminal and noncriminal complaints accepted by DOL as incidents, such as gross waste of funds, mismanagement, and dangers to public health and safety.

Emergency: A situation involving imminent health or safety concerns, or the imminent loss of funds exceeding an amount much larger than \$50,000 (e.g., \$500,000).

Employee/Participant Misconduct: Actions occurring during or outside work hours that reflect negatively on the Department or its mission including, but not limited to: conflict of interest or the appearance of conflict of interest involving outside employment, business and professional activities; the receipt or giving of gifts, fees, entertainment, and favors; misuse of Federal property; and, misuse of official information and such other activities as might adversely affect the confidence of the public in the integrity of the government (29 CFR Part 0; 5 CFR Parts 2635 and 5201) as well as serious violations of Federal and state laws.

Fraud, Misfeasance, Nonfeasance or Malfeasance: Any alleged deliberate action which may be in violation of Federal statutes and regulations. This category includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants or contractors, intentional payments to a contractor without the expectation of receiving services, payments to ghost enrollees, misuse of appropriated funds, and misrepresenting information in official reports and falsification of records and claims regarding trainees (e.g. knowingly enrolling ineligible participants). Criminal fraud is a type of larceny and is punishable under both federal and state law

Gross Mismanagement: Actions or situations arising out of management ineptitude or oversight and leading to a major violation of the legislative process, regulations, or contract/grant provisions. Such actions or situations have the potential to severely hamper accomplishment of program goals, waste government resources, and jeopardize future support for a particular project. This category includes, but is not limited to, un-auditable records, unsupported costs, highly inaccurate fiscal reports or program reports, payroll discrepancies, payroll deductions not paid to the Internal Revenue Service, and lack of good internal control procedures.

Incident Report (IR) (OIG 1-156). This is the primary form for reporting instances of fraud, misapplication of funds, gross mismanagement, and any other incidents of known or suspected criminal or other serious activities. The OIG 1-156 may also be used to provide interim and final reports.

Misapplication of Funds: Any alleged deliberate use of funds, assets or property not authorized or provided for by legislation or regulations, grants, or contracts. This category includes, but is not limited to, nepotism, political patronage, use of participants for political activity, ineligible enrollees, conflict of interest, failure to report income from Federal funds, violation of contract/grant procedures, and the use of Federal funds for other than specified purposes. An incident report should be filed when there appears to be an intent to misapply funds rather than merely for a case of minor mismanagement. Indian and Native American programs are excluded from the nepotism category, as cited in Section 632.118 of 20 CFR Part 632, Subpart F of the WIA regulations.

OIG Hotline: The OIG operates this Hotline to receive and process allegations of fraud, waste, and abuse concerning Department grants, contracts, programs and operations. The OIG also uses the Hotline to address allegations of criminal activity and serious misconduct involving Department employees. Hotline complaints can be sent directly to the Complaints Analysis Office, Office of Inspector General, 200 Constitution Avenue, N.W., Room S-5506, Washington, D.C.

20210. They can be telephoned to the OIG on the Toll-Free Hotline at 1-800-347-3756 or (202) 693-6999 (this is not a toll-free number); or they can be emailed to hotline@oig.dol.gov. The OIG Hotline should not be used for resolving employee grievances, Equal Employment Opportunity complaints, labor disputes, or other personnel concerns.

OIG Hotline Referrals: The OIG prepares referrals of hotline allegations concerning problems in ETA programs and transmits the referrals to OFAM. ETA uses the process outlined in this [Employment and Training Order] (ETO) to follow-up on incidents included in these referrals.

Open IR: An IR is considered open until the originating or responsible ETA office determines that it has been resolved and reports it as closed on the quarterly OFAM tracking report.

Subrecipient: a recipient that does not receive WIOA funds directly from the DOL.

Hot Line Glossary of Terms

Criminal Abuse of Union Power: May involve union finances or property; unauthorized perks and compensation; vendor kickbacks and/or no-show jobs.

Department of Labor Employee Misconduct: Allegations of misconduct by employees may include:

Bribery: The offering, giving, receiving or soliciting of something of value for the purpose of influencing an action or the discharge of official duties.

Conflict of Interest: A clash between DOL interests and the private interest of an official that may influence the performance of the official's duties.

Embezzlement: Fraudulent appropriation of DOL property by one lawfully trusted to protect its possession.

Mismanagement: Extravagant, careless, or needless expenditure of government funds or the consumption or misuse of government property or resources, resulting from deficient practices, systems, controls or decisions.

Misuse of DOL property;

Misuse of funds/credit cards;

Falsification of official documents.

Embezzlement: Theft from union plan assets which include pension, welfare or health plans. Schemes include allowing ineligible people to participate or payment of charges for services not provided.

Extortion: Deprivation of union member rights by threat of physical or economic harm. The rights of union members include nominating and voting for candidates; attending membership meetings; fair and just grievance procedures; working at or above the prevailing wage; participation in benefit plans; and the right to examine books and records.

Foreign Labor Certification Fraud: The Department of Labor's Office of Foreign Labor Certification (OFLC) provides labor certifications to employers seeking to bring foreign workers into the United States. Visa fraud includes fraud and abuse of the Department's temporary visa programs (including H1B fraud, H2A fraud, and H2B fraud) and the Permanent labor certification program. Fraud and abuse includes the filing of fraudulent labor certification applications (i.e. ETA 750) or immigration fraud by attorneys or employers who file false applications and provide falsified documents to the OFLC.

Health Care Provider Fraud: Fraud committed by a medical provider (including physicians, durable medical equipment vendors, pharmacies, hospitals, laboratories) involving any OWCP claim. Fraud schemes includes billing the Department of Labor directly or indirectly for services

not rendered, misrepresenting services, unbundling services, billing for medically unnecessary services, duplicate billing, increasing units of service which are subject to a payment rate, falsifying claims resulting in increased payment to the health care provider, and kickbacks.

Improper Labor Management Relations: Corrupt union officials enter into a wide variety of “sweetheart” contracts with organized crime controlled and other corrupt employers in return for bribes and other favors. Such contracts typically include concessions which are significantly beneficial for the employer and detrimental to the union member.

Kickbacks: Illegal payments used to influence the operation of a benefit plan.

Labor Racketeering: Labor racketeering is the use of a union, benefit plan (i.e. pension plan,) contractor, and/or industry for personal benefit by illegal means. This abuse may take the form of collusive arrangements between union officials and employers that occur at the expense of union members or corruption within the unions themselves. It also occurs when organized crime groups infiltrate unions.

Procurement Fraud: Fraud in connection with DOL contracts or committed by DOL contractor(s), such as making false statements or false claims or providing a product less than called for in the contract. Procurement fraud includes DOL grant fraud; theft by a DOL grantee; embezzlement of Senior Community Service Employment Program (Older Americans Act) funds; Workforce Investment Act fraud (WIA[WIOA]fraud), theft or embezzlement; or Workforce development board misconduct or fraud.

Procurement fraud Reporting Requirement: The Federal Acquisition Regulation (“FAR”) now requires all contractors to notify the government whenever they become aware of a contract overpayment or fraud, rather than wait for the contract overpayment or fraud to be discovered by the government. If you are a federal contractor, or employee of same, and you have evidence of a violation of Federal criminal law involving fraud, conflict of interest, bribery, gratuity violations, or a violation of the False Claims Act, where such evidence arises in connection with a federal contract, click FAR Contractor Disclosure Form to file a report with this office.

Unemployment Insurance (UI) Fraud: The Department of Labor's Unemployment Insurance (UI) programs provide unemployment benefits to eligible workers who become unemployed through no fault of their own, and meet certain other eligibility requirements. Allegations of UI fraud can include: theft of UI funds, unemployment compensation overpayment, disaster unemployment assistance (DUA) fraud, and the identity theft that results when false UI and DUA claims are made on behalf of unknowing individuals.

Veterans' Employment and Training Service (VETS) Fraud: The Veterans' Employment and Training Services (VETS) helps veterans, reservists, and National Guard members in securing employment and the rights and benefits associated with such. Allegations of violations of the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Veterans Employment Opportunities Act (VEOA), non-compliance with Federal Contractor Program Veterans' Employment Report (VETS-100 Report) requirements, and other compliance issues that fall within the authority of VETS should first be reported to VETS officials. Allegations of serious misconduct involving the handling of such complaints on the part of VETS officials may be reported to the OIG Hotline.

Worker Health and Workplace Safety: The Department of Labor's Occupational Safety and Health Administration (OSHA) aims to ensure employee safety and health in the United States by working with employers and employees to create better working environments. Workplace safety

violations should first be referred to OSHA but if they are not remedied, these safety concerns may be reported to the OIG Hotline.

LWDB Requirements:

All sub-recipients (LWDBs/programs) must have written policy, including investigative process, documentation, follow through requirements and be kept in a central location for access. Documentation (electronic, including emails or hard files) must be kept for five (5) years after a final resolution has been executed.

LWDBs must execute their investigation per policy to completion and as prescribed by the State and or DOL. Items of suspected Fraud, Misfeasance, Nonfeasance, Malfeasance, Gross/Mismanagement, Employee/Participant/Training Provider Misconduct, Misapplication of Funds, Conflict of Interest, Embezzlement, Falsification of Documents, Extortion etc. ***must*** be reported from sub recipients (programs and LWDBs) to boards and from boards to WISS via email no later than one business day of discovery/reporting of the incident(s) to determine/concur with the board's action plan. The submission of an incident report should not be delayed even when all the facts are not readily available. Thorough investigations, supplemental and final incident reports are expected as appropriate in a timely manner as information becomes available.

DETR/WISS, acting on behalf of the Governor, is responsible for submitting the IR to OIG upon receipt and clarification of information of an alleged incident and as appropriate.

Reference TEGL 2-12, SCP 5.2 for OIG contact information, Hotline telephone number and reporting forms and their proper use.

Policy Summary

State Compliance Policy (SCP) 5.2

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 5.2 to the Governor's Executive Committee for review and approval.

The Code of Federal Regulation (CFR) requires Sub-recipients report allegations, suspicions, and complaints of possible fraud, program abuse and criminal activities involving WIOA Title I-B funds. SCP 5.2 provides the forms for use and Hotline information.

This policy provides the forms for reporting fraud and abuse associated with WIOA.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 5.2

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Forms for Reporting Fraud and Abuse

Issued: NEW, May 2019 replacing Workforce Investment Act (WIA) SCP 5.2

Purpose: To transmit procedures to be used by all Employment and Training Administration (ETA) grant recipients for reporting allegations of fraud, program abuse or criminal conduct involving grantees or other entities and subrecipients receiving Federal funds either directly or indirectly from ETA.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), TEGL 2-12.

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDBs policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

The Code of Federal Regulation (CFR) requires Sub-recipients report allegations, suspicions, and complaints of possible fraud, program abuse and criminal activities involving WIOA Title I-B funds. The detection and prevention of fraud and abuse in programs authorized by the Department of Labor (DOL) are of the highest priority. Therefore, systematic procedures for reporting instances of suspected or actual fraud, abuse or criminal conduct are vital. States, local governments and grantees may become aware of actual, potential or suspected fraud; gross mismanagement or misuse of program funds; conduct violations; violations of regulations; and, abuse.

This policy provides the Office of Inspector General (OIG) contact information, Hotline telephone number and reporting forms and their proper use.

Grant recipients must be familiar with Incident Reporting Requirements in SCP 4.7, TEGL 2-12 and follow the procedures set forth herein for documenting, immediately reporting to the State (WISS)/OIG, and following-up on instances of alleged, suspected or known fraud, program abuse and criminal misconduct involving grantees and other recipients, including Eligible Training Providers and subrecipients of Federal funds from ETA.

Responsibilities: Grant recipients are responsible for following the procedures set forth in this policy and SCP 4.7 as required by TEGL 2-12. Grant recipients must immediately document allegations, suspicions and complaints involving possible fraud, program abuse and criminal misconduct using the IR form and instructions for filling out the form attached here.



TEGL 2-12 OIG
1-156 Instruction.pdf



Incident Report
Form OIG 1-156.pdf

Additionally, situations involving imminent health or safety concerns, or the imminent loss of funds exceeding an amount larger than \$50,000 (e.g. \$500,000), are considered emergencies and must immediately be reported to the OIG and [Office of Financial and Administrative Management] (OFAM) *and WISS* by telephone and followed up with a written report in the form of an IR, no later than one working day after the telephone report. Below in the Hotline contact information and procedure.

Hotline Referrals:

In addition to the ETA process set forth in TEGL 2-12, the OIG operates a Hotline to receive and process allegations of fraud, waste and abuse. Allegations received directly through the Hotline, and written complaints from the public pertaining to ETA, are referred by the OIG to OFAM, when appropriate.

OFAM must screen and record all Hotline referrals from the OIG pertaining to ETA and send the referrals to the appropriate Regional Administrator, Office of Apprenticeship Regional Director or National Office Administrator (RA/RD/NOA) for action. The RA/RD/NOA must send OFAM an initial response to all hotline referrals no later than two weeks after receiving the referral, and must continue to provide updates in the quarterly tracking report until the complaint is closed and a final response sent to OFAM. No action of any kind will be taken against the complainant for providing information in accordance with these procedures.

When contacting OIG Hotline, provide as much detailed information as possible concerning the allegations, including:

- Who is involved;
- When the situation you are reporting took place and whether it is still ongoing;
- Where the situation occurred;
- What happened that was inappropriate and prompted you to contact the OIG Hotline;
- How the situation took place.

OIG hotline contact information

[Online Form](#)

Telephone: 202-693-6999 or 1-800-347-3756

Fax: 202-693-7020

Mail Address:

Attention: Hotline
Office of Inspector General
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

<https://www.oig.dol.gov/>

<https://www.oig.dol.gov/hotlineform.htm>

The screenshot shows the official website of the U.S. Department of Labor, Office of Inspector General. The header includes the department's name and logo, along with a search bar. The main navigation bar contains links to 'ABOUT OIG', 'OIG HOTLINE', 'OIG PUBLICATIONS & REPORTS', 'FRAUD INVESTIGATIONS', 'NEWSROOM', and a prominent 'REPORT FRAUD' button. The 'HOTLINE FORM' section explains the purpose of the form: to report allegations of fraud, waste, abuse, misconduct, or other wrongdoing concerning DOL programs and operations. It also states that the form can be used for labor racketeering, misuse of union assets, and other fraud related to labor-management relations. A note specifies that the hotline cannot provide status reports or other information regarding the disposition of a complaint. To the right, under 'QUICK LINKS', are links for 'How to contact Hotline', 'Hotline Glossary of terms', 'Information that is helpful to provide when submitting a complaint', and 'ARRA Whistleblowers'. The form itself is partially visible, showing a dropdown menu for 'What DOL Agency does your allegation involve? (Required)' with a list of agencies including the Administrative Review Board, Benefits Review Board, Bureau of International Labor Affairs, and others. Input fields for 'Your Name', 'E-mail Address', 'Street Address', 'Building/Room', and 'City, State, and Zip Code' are also visible.

UNITED STATES
DEPARTMENT OF LABOR

OFFICE OF INSPECTOR GENERAL

ABOUT OIG ▾ OIG HOTLINE ▾ OIG PUBLICATIONS & REPORTS ▾ FRAUD INVESTIGATIONS ▾ NEWSROOM ▾ REPORT FRAUD

HOTLINE FORM

You can use this online form to report allegations of fraud, waste, abuse, misconduct, or other wrongdoing concerning DOL programs and operations, including DOL contracts and grants. You can also use this online form to report allegations of labor racketeering, including alleged misuse of union assets, benefit plan assets or other fraud related to labor-management relations or internal union affairs.

The OIG Hotline cannot provide status reports or other information regarding the disposition of your complaint.

QUICK LINKS

- How to contact Hotline
- Hotline Glossary of terms
- Information that is helpful to provide when submitting a complaint
- ARRA Whistleblowers

What DOL Agency does your allegation involve? (Required)

Your Name

E-mail Address

Street Address

Building/Room

City, State, and Zip Code

Please choose one

- Not related to a DOL Agency
- Administrative Review Board
- Benefits Review Board
- Bureau of International Labor Affairs
- Bureau of Labor Statistics
- Center for Faith-Based and Neighborhood Partnerships
- Employee Benefits Security Administration
- Employees' Compensation Appeals Board
- Foreign Labor Certification
- Job Corps
- Job Training Contract/Grant Fraud or Misconduct
- Job Training Program Participant Issue
- Mine Safety and Health Administration
- Occupational Safety and Health Administration
- Office of Administrative Law Judges
- Office of Congressional & Intergovernmental Affairs
- Office of Disability Employment Policy
- Office of Federal Contract Compliance Programs
- Office of Inspector General
- Office of Labor-Management Standards
- Office of Public Affairs
- Office of Public Engagement
- Office of Small Business and Disadvantaged Business Utilization
- Office of the Assistant Secretary for Administration and Management
- Office of the Assistant Secretary for Policy
- Office of the Chief Financial Officer
- Office of the Chief Information Officer
- Office of the Ombudsman for the Energy Employees Occupational Illness Compensation Program
- Office of the Secretary

If your complaint involves any of the topics listed below, please DO NOT use this form, but follow the instructions provided. For pay-related complaints or Family and Medical Leave Act issues contact the Wage and Hour Division at 1-866-4USWAGE (1-866-487-9243) or at <http://webapps.dol.gov/contactwhd/default.aspx>

For concerns or complaints regarding individual pension, health, or other employee benefits, including COBRA coverage issues, contact the Employee Benefits Security Administration at 1-866-444-3272 or at <http://www.askebsa.dol.gov/WebIntake/Home.aspx>

If you are a current or former federal employee and have concerns about your workers' compensation claim, see <http://www.dol.gov/owcp/owcpkeyp.htm> for specific contact information.

If you have concerns involving a workers' compensation claim and you are NOT a current or former federal employee, contact your state compensation board.

For workplace safety and health issues, contact the Occupational Safety and Health Administration (OSHA) at 1-800-321-OSHA (6742) or at <https://www.osha.gov/pls/osha7/eComplaintForm.html>

To file a complaint under a whistleblower statute enforced by OSHA go to: <https://www.osha.gov/whistleblower/WBComplaint.html>

To report mining safety and health issues, contact the Mine Safety and Health Administration at: 1-800-746-1553 or use the online filing option at:

<https://lakegovprod3.msha.gov/HazardousConditionComplaint.aspx>

To report union representation issues or allegations of unfair labor practices by management and/or union officials, contact the National Labor Relations Board at 1-866-667-6572.

To file a workplace discrimination or sexual harassment complaint, contact the U.S. Equal Employment Opportunity Commission at 1-800-669-4000.

If you believe that a claim for unemployment benefits has been unfairly denied, contact your state's unemployment compensation office.

For all other general DOL-related inquiries that do not involve fraud, waste or abuse in DOL programs, or misconduct by DOL employees, contractors, or grantees, contact the U.S. Department of Labor National Contact Center at 1-866-4-USA-DOL (1-866-487-2365).

To report a fraud, waste, and abuse complaint involving another Federal agency besides DOL, see <https://www.ignet.gov/content/inspectors-general-directory> for contact information for all Federal Inspectors General.



Quarterly Report to the Governor's Workforce Development Board July 2019

One-Stop Delivery System (OSDS)

- Workforce Connections (WC) continued implementation of a more effective one-stop delivery system:
 - WC, the One-Stop Operator and Nevada's Department of Employment, Training and Rehabilitation's (DETR) JobConnect Business Services team continue to collaborate to improve services to employers in the One-Stop centers.
 - WC, in conjunction with DETR, participated in the CVS Health Community Business Partnership meeting on May 15. The company is moving into the Southern Region and wants to work collaboratively with the public workforce system for their workforce pipeline needs.
 - The 2019 Workforce Innovation and Opportunity Act (WIOA) Title I funding cycle Request For Proposals (RFP) were based on strategic direction from the WC Board and Local Elected Officials (LEOs). The direction resulted from a series of strategic conversations between WIOA system partners and other local stakeholders, held in 2018 and was approved at the Joint Board & LEO Consortium meeting on August 28, 2018:
 - Continue transition of WIOA Title I services to One-Stop centers with the other WIOA partner programs.
 - Maximize the leveraging of resources with effective referrals, co-enrollments and partnerships.
 - In addition to the unemployed, focus on alternate labor pools: reentry, vets, individuals with disabilities, disengaged youth, the underemployed, etc.
 - Scopes that are broad and flexible (that allow service delivery to multiple target populations) and are focused on Nevada's targeted industry sectors/occupations.
 - Programs that demonstrate a measurable high return on investment (ROI).
 - Use performance data to determine ROI and make better strategic decisions.

In support of the strategic direction, WC issued RFPs in November and received 39 proposals for 13 clusters (service areas). All proposals passed technical review and were then evaluated and scored by an independent third-party contractor, Social Policy Research Associates (SPRA). SPRA has been used by WC for the past eight years. The 34 proposals that met the minimum score were ranked by the Ad-hoc

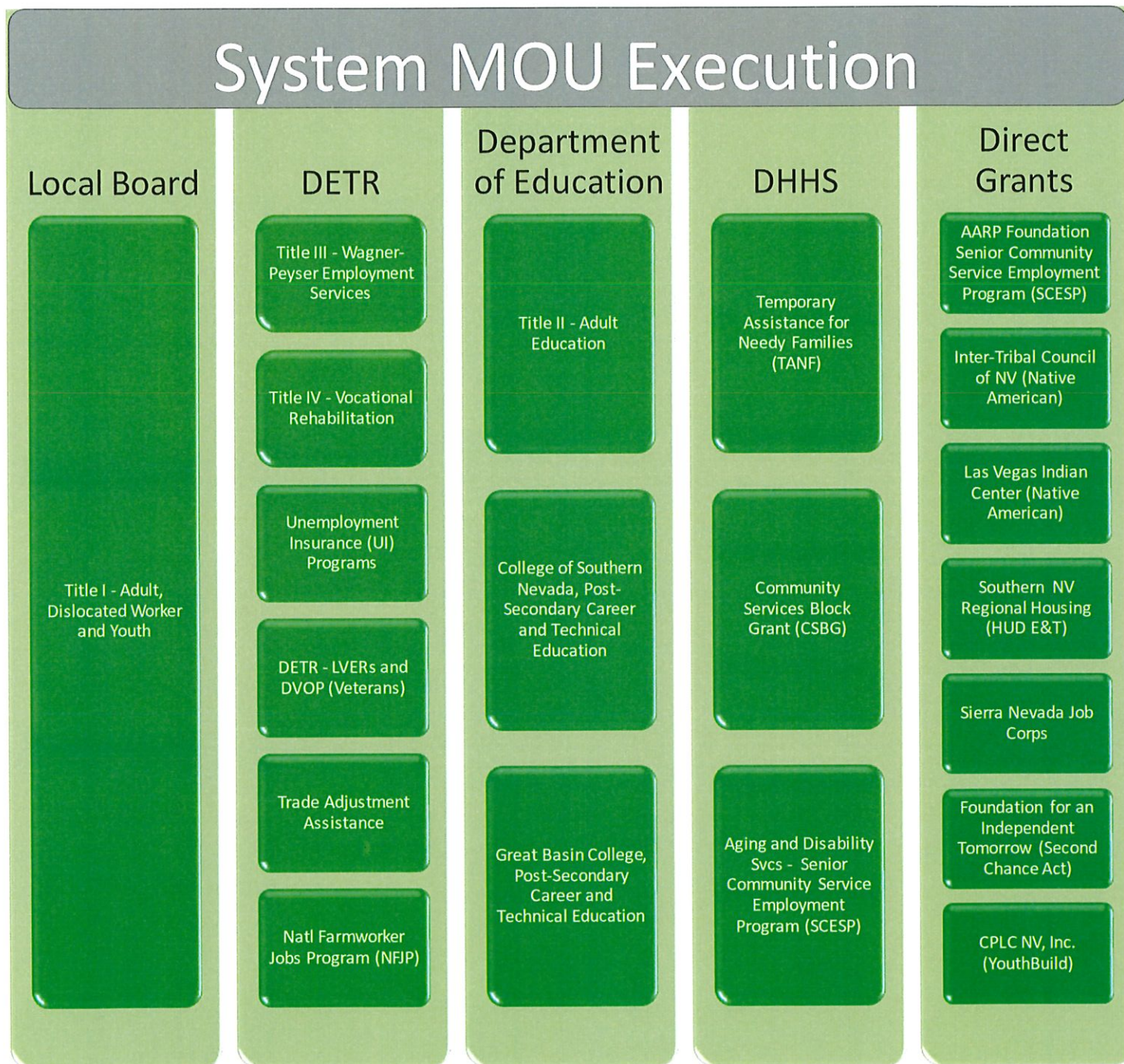


Selection Panel made up of WC Board and Committee members and other WIOA partners. Recommendations for funding by the Ad-hoc Selection Panel were considered and approved by the Programs Committee, WC Board and the LEOs in the April/May 2019 meetings.

- WC staff is currently working on contract negotiations, file transfers and provider closeouts based on the Board and LEO approved funding recommendations. Areas of concentration are:
 - Continuity of service – there are approximately 1,600 clients who are active or in follow-up who will need to be transferred.
 - Program Year (PY) 2019 negotiations of scope, budget and program design with an emphasis on implementation of the WC Board and LEO approved strategies.
 - Proper contract closeout and single audits where necessary.
- WC and DETR leadership continue to evolve the strategic direction for system integration. Follow-up meetings will occur to flush out a final strategic direction for the upcoming program year.
- WC staff met with Metro Police leadership on May 29 to explore ways to enhance the working relationship between WC, Metro Police and the Clark County Detention Center. The focus is on the reentry population for the upcoming investment cycle.
- WC staff met with Clark County Human Services leadership and staff on May 30 to identify ways to strengthen our relationship related to serving foster care youth and the reentry population. Additional conversations will also take place to continue improvement of the relationship between local government and the local workforce board.
- WC held two employment opportunities workshops for employees of agencies not recommended for funding for PY 2019. All agencies that were recommended for funding and other system agencies were invited to present job opportunities available for the upcoming investment cycle. The goal is to mitigate the dislocation of Title I funded staff.
- The WIOA System Memorandum of Understanding (MOU) Amendment #3 was signed and executed by CPLC Nevada. US DOL awarded CPLC the YouthBuild grant for the local area. The amendments and infrastructure sharing agreement are in the process of being updated for PY 2019.



- o Detailed below is a diagram showing the status of the PY18 System MOU.





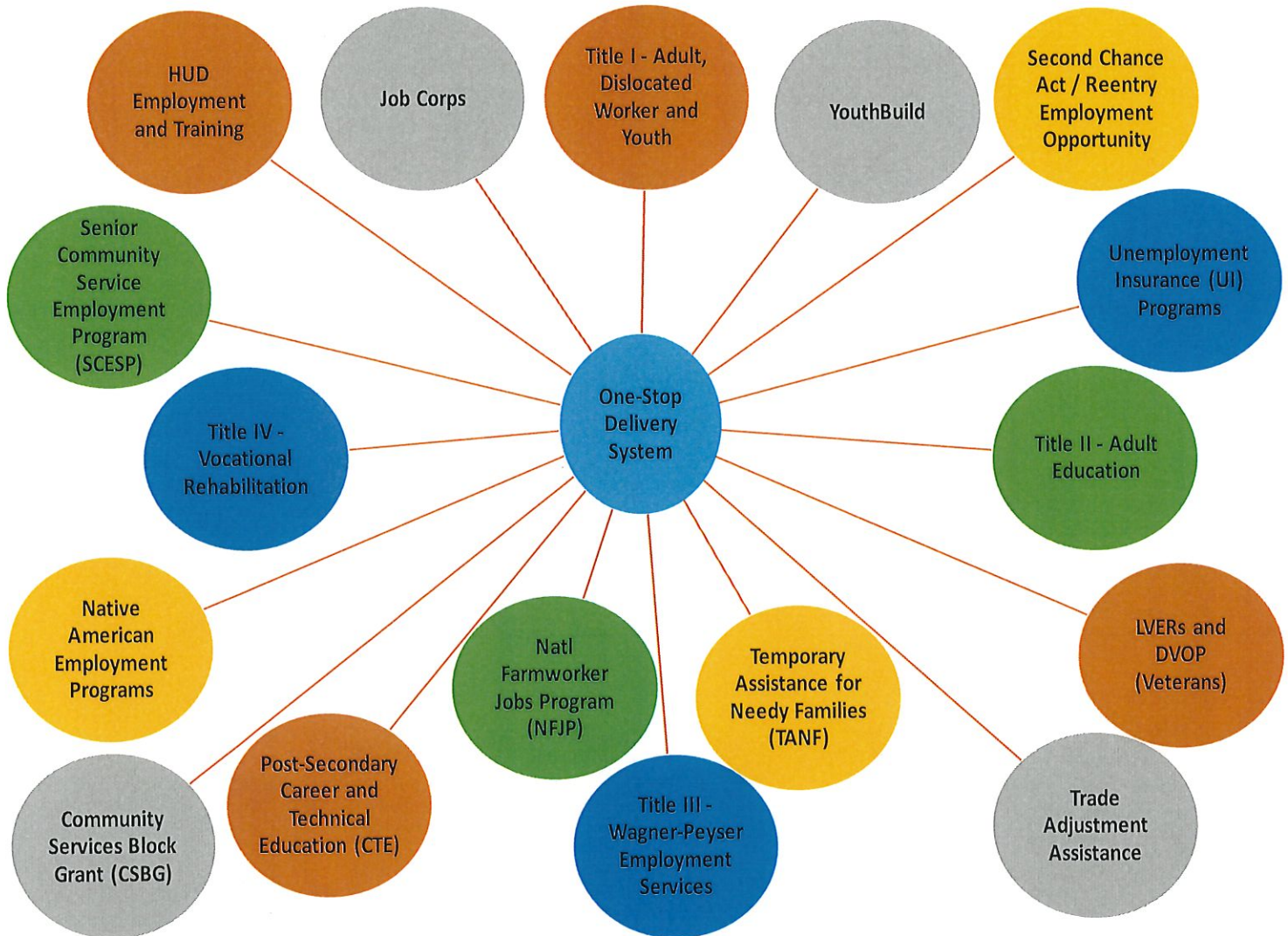
workforce **CONNECTIONS**
PEOPLE. PARTNERSHIPS. POSSIBILITIES.

Connecting Employers to a Ready Workforce



- Detailed below is a diagram of the one-stop delivery system and the 17 required partners.

One-Stop Delivery System





Comprehensive One-Stop Career Center (OSCC)

- The Comprehensive OSCC makes meaningful access available to all One-Stop partner programs. The center had over 5,300 visits from job seeker customers and over 1,700 basic career services were provided. Other notable activities include:
 - At this point in PY 2018, a total of 611 WIOA customers have been enrolled into Title I individualized services - including 432 adult customers, and 179 dislocated workers. This has easily exceeded the enrollment target for this program year and represents a nearly 100% increase of dislocated worker enrollments over the last year.
 - The WIOA Title I Youth program continues to partner with JAG Nevada and TESLA to prepare recent graduates for employment at the TESLA Gigawatt plant. Together, they have pre-screened and prepared to assist around 40 young adults with employment this summer.
 - The youth program continued to support young adults interested in post-secondary through interactions with the Leadership in Training Academy and Vocational Rehabilitation. Youth career coaches supported Vocational Rehabilitation with a successful CRAVE camp at the UNLV campus.

Strategic Initiatives

- The Clark County School District (CCSD) and Workforce Connections held a summit with local labor unions, education leaders and businesses on January 30, 2019 to develop a new partnership that improves the pipeline for students to enter trade apprenticeships. Five working groups were established: curriculum alignment, refining messaging, early exposure to the skilled trades, simplifying the licensing process and streamlining access to apprenticeships. The groups reconvened on May 14 and reported on their work. They will continue to meet and report through the upcoming school year. This partnership supports CCSD's five-year strategic plan, which aims to increase graduation rates to 90 percent by 2024, with 100 percent of graduates ready for college and career.
- WC hosted the inaugural Construction Day Signing event on May 1 in conjunction with the Nevada Contractors Association. More than a dozen current and former CCSD students signed their commitment letter to enter high-paying and in-demand careers in construction.



- ACT® has certified Clark County as a Work Ready Community. WC along with GOED, OWINN, DETR, DHHS, NDE, LVGEA, CCSD, CSN, public libraries and other key stakeholders collaborated on the ACT Work Ready Communities initiative. The multi-agency, multi-year collaboration resulted in Clark County receiving certification from ACT as the largest Work Ready Community in the nation. Plans are to replicate the model in other counties across the state.
- Expanded services into two new library One-Stop locations in East and North Las Vegas with immediate Title I service enrollment and assistance availability.
- WC hosted a ribbon cutting for Gibson Library One-Stop Career Center on April 24. This included the Great Resume Review event. Clark County Commissioner Jim Gibson and Councilwoman Gerri Schroder participated in the event. This center was the first center located inside a Henderson library, with Green Valley Library being the second.
- WC participated in the ribbon cutting for the East Las Vegas Library One-Stop Career Center on April 25. This is the first library designed from inception with space dedicated to host a one-stop career center.
- Members of the Local Elected Officials Consortium, WC Board members and staff attended the National Association of Workforce Boards 2019 Forum on March 22. The forum provided education, training and relationship building opportunities for the dynamic evolving workforce ecosystem. Attendees also had an opportunity to visit Nevada's congressional delegation and brief them on the local impact of the reauthorization of the Workforce Innovation and Opportunity Act.
- The LEO Consortium appointed new WC Board member, Dianne V. Gullet, Deputy Superintendent, Clark County School District representing K-12 education.



Date: July 2019

To: Governor's Workforce Development Board

From: John H. Thurman, CEO

Subject: Quarterly Report

Nevadaworks staff have relocated to smaller and less expensive office space. Our new address is 639 Isbell Road, Suite 420, Reno, Nevada 89509. In addition to smaller offices Nevadaworks has reduced staff by three positions to further reduce cost. These cost reductions and the addition of Nevada rapid response funds for program years 2017 and 2018 have allowed Nevadaworks to fund Service Providers for Program Year 2019 at nearly the same amounts as program year 2018. While funding from the Department of Labor for Program Year 2019 to Nevada was almost the same as program year 2018, the economic indicators in the formula for distribution to the two local boards resulted in less funding to Nevadaworks. The good news is our economy in Northern Nevada is strong and unemployment is low.

Nevadaworks' contracts with the State of Nevada have been finalized and contracts with Nevadaworks' Service Providers are all signed.

As reported in Nevadaworks' April report, Members of the One-Stop Delivery System in Northern Nevada, who are located at the American Job Center of Nevada, Reno, continue to collaborate, and cross educational meetings with all partners in the system are ongoing.

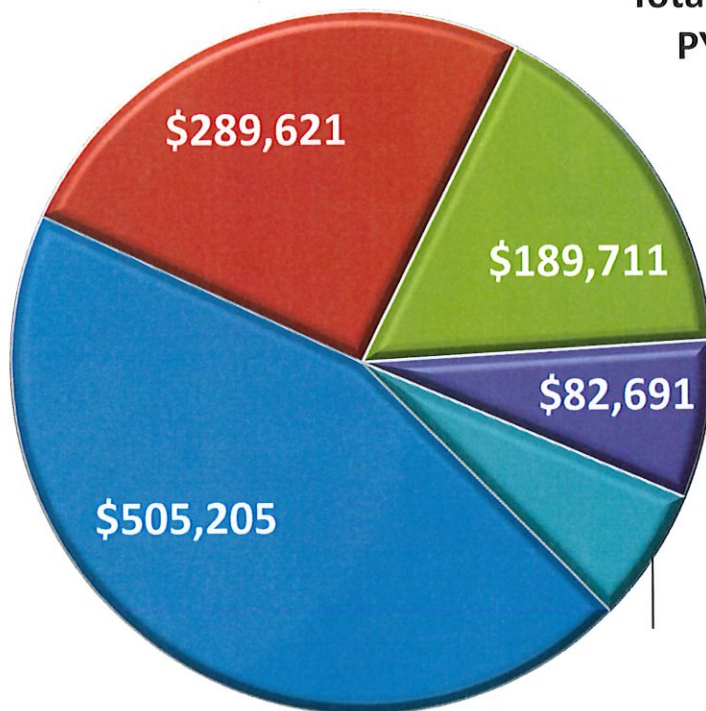
Client visits continue to increase at the American Job Center of Nevada. When the center opened in August 2018 the number of visits to the American Job Center totaled 700. That number rose to 2000 in May 2019.

New Horizons Computer Learning Center, located adjacent to the American Job Center Business Services Office, is providing a free introduction to computers course twice weekly to job seekers receiving services from partners located at the American Job Center.

A new initiative with Washoe County Libraries launched in February 2019, making all libraries in the county an entrance point to the One-Stop System. Training for library staff on how to assist individuals in completing a self-service enrollment in EmployNV continues. Libraries located furthest from central Reno have expressed an interest in holding employer hiring events for residents living nearby. Additionally, talks between the libraries and partners of the One-Stop System continue to explore ways to bring more workforce development services to the libraries, further expanding on the “No Wrong Door” approach to providing workforce development services in Nevadaworks’ Workforce Development Area.

For Program Year 2018 EmployNV reporting indicates Nevadaworks’ Service Providers met their client enrollment goals through the end of June 2019. Nevadaworks’ Service Provider funding for Adult, Dislocated Worker, and Youth contracts for PY 2018 totaled \$5,383,458.00, and as of May 30, 2019 expenditures for those contracts are 83%. Thus, the anticipated carryover of funding from PY 2018 to PY 2019 will be approximately \$507,000.

Top 5 Trainings by Expenditures
Total Training Expenditures = \$1,943,369
PY2018 YTD Through June 11, 2019

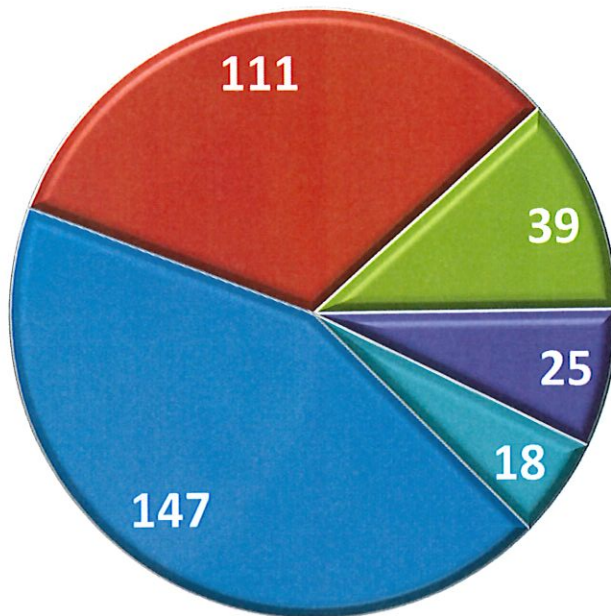


- Registered Nurses
- Heavy and Tractor-Trailer Truck Drivers
- Electricians

Top 5 Trainings by Participant Count

Total Trainings = 555

PY2018 YTD Through June 11, 2019



- Registered Nurses
- Heavy and Tractor-Trailer Truck Drivers
- Nursing Assistants
- Electricians
- Dental Assistants

Performance levels for Nevadaworks' Service Providers for program year 2018 are displayed in the chart below. The green highlighted cells indicate performance attainment exceeded the DOL negotiated levels. It is important to note that currently there is no negotiated level for the "Median Earnings 2nd Quarter After Exit" for youth clients.

**Nevadaworks Performance Measures
PY2018 YTD Through May 28, 2019**

Adult				
	Employed 2nd Quarter After Exit	Employed 4th Quarter After Exit	Median Earnings 2nd Quarter After Exit	Credential Rate
% Attained	77.10%	67.40%	\$7,306.00	68.30%
DOL Negotiated Rate	73.00%	60.40%	\$5,000.00	53.00%
% of Neg. Rate Attained	105.62%	111.59%	146.12%	128.87%

Dislocated Worker				
	Employed 2nd Quarter After Exit	Employed 4th Quarter After Exit	Median Earnings 2nd Quarter After Exit	Credential Rate
% Attained	81.40%	81.30%	\$8,572.00	79.80%
DOL Negotiated Rate	82.10%	64.30%	\$6,700.00	60.00%
% of Neg. Rate Attained	99.15%	126.44%	127.94%	133.00%

Youth				
	Employed/In Training/ In Education 2nd Quarter After Exit	Employed/In Training/ In Education 4th Quarter After Exit	Median Earnings 2nd Quarter After Exit	Credential Rate
% Attained	76.30%	76.50%	\$5,380.00	73.80%
DOL Negotiated Rate	60.00%	48.00%	No Negotiated Rate	40.00%
% of Neg. Rate Attained	127.17%	159.38%	N/A	184.50%

Information on all performance by state is available at wioadashboards.org. If you have questions about viewing the dashboard, please contact me at 775-284-1332 or jthurman@nevadaworks.com.

Nevadaworks' clients are very similar to clients across the country. The first chart below shows the characteristics of Nevadaworks' Adult clients who entered employment, and the second chart shows the characteristics of Adult clients who entered employment throughout the United States. Charts 3 and 4 compare the characteristics of Nevadaworks' Dislocated Worker clients who entered employment to the characteristics of Dislocated Worker clients who entered employment throughout the United States. The last two charts compare the same characteristics of Nevadaworks' Youth who entered employment to clients throughout the United States.

Chart
#1

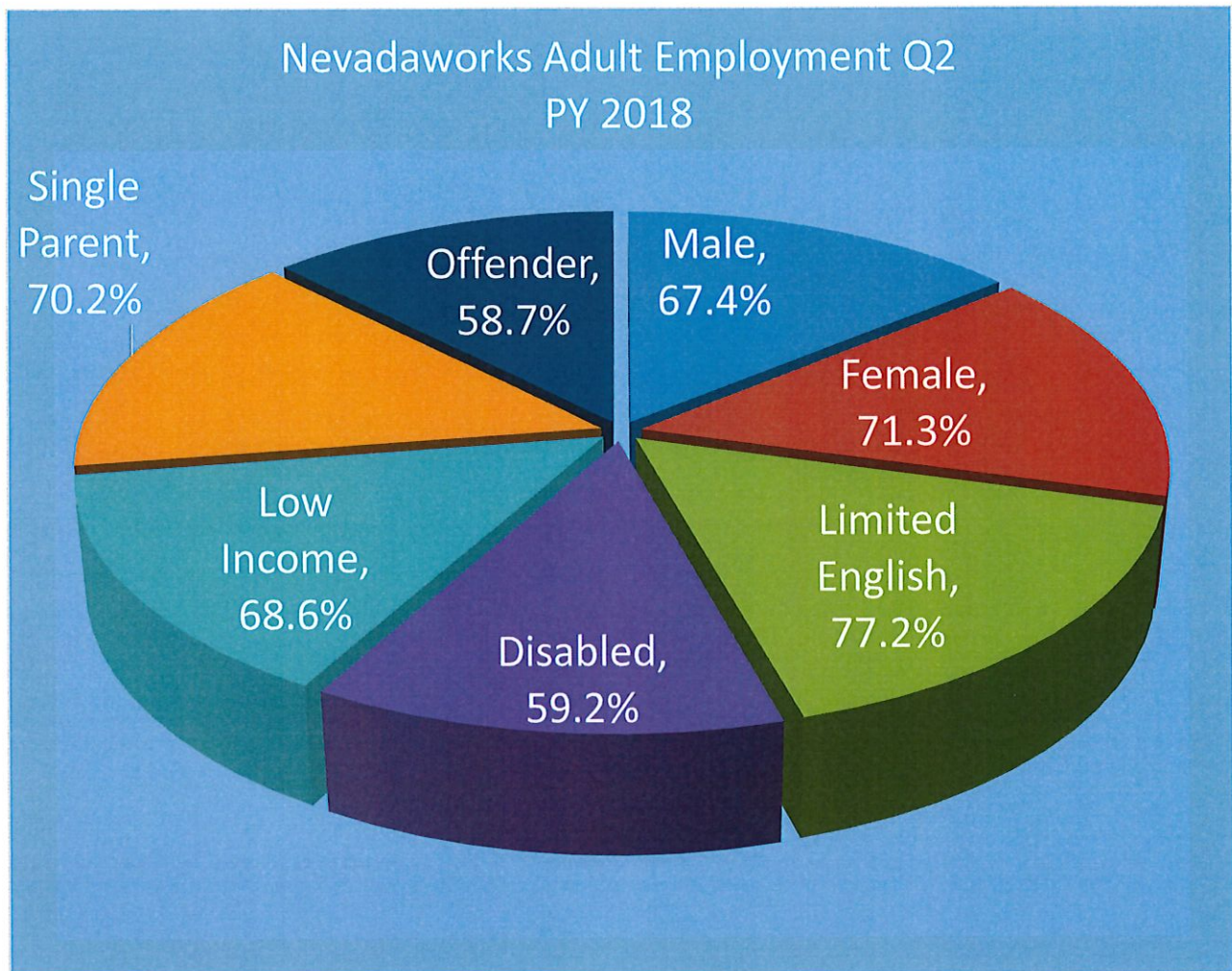


Chart
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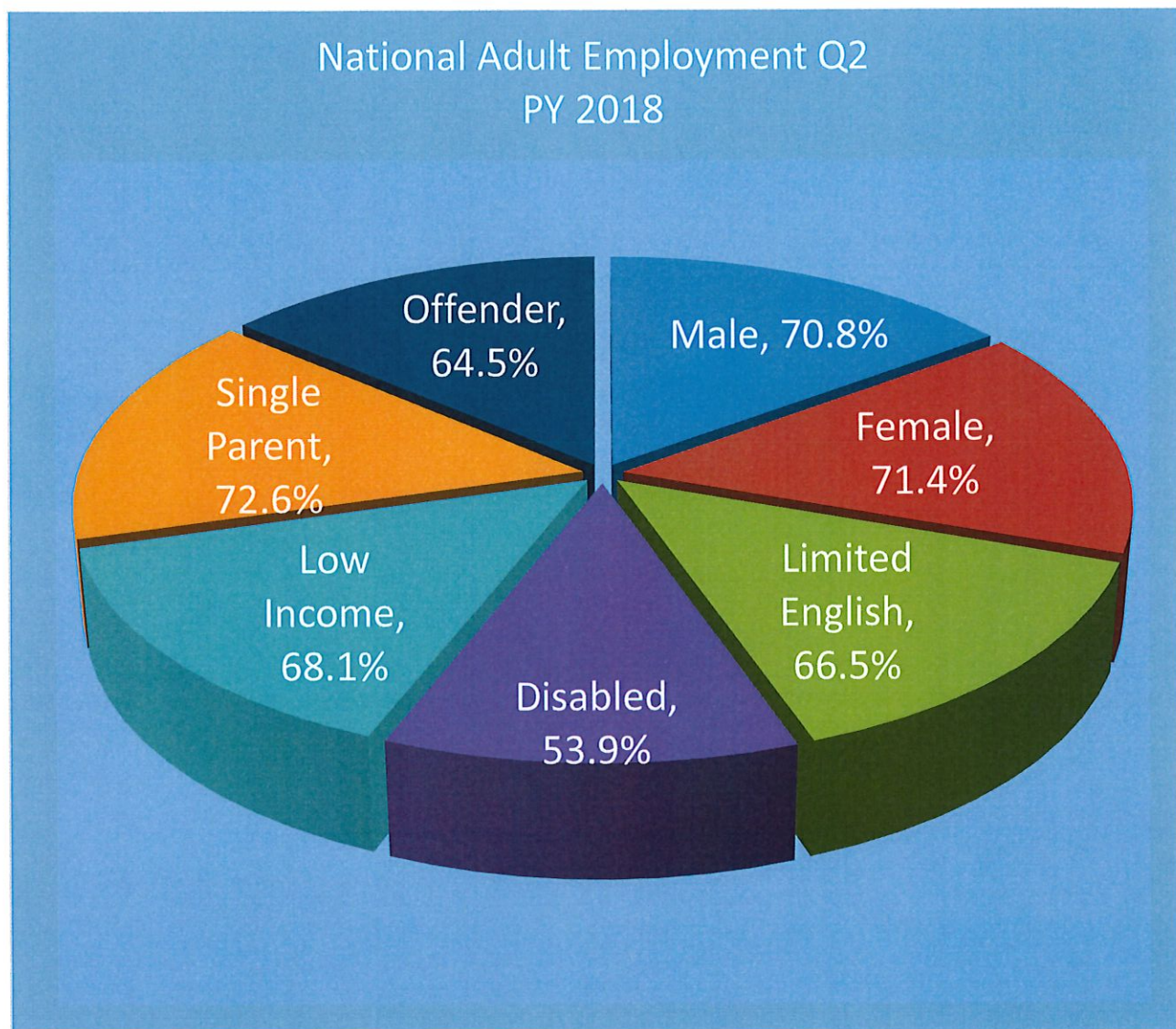


Chart
#3

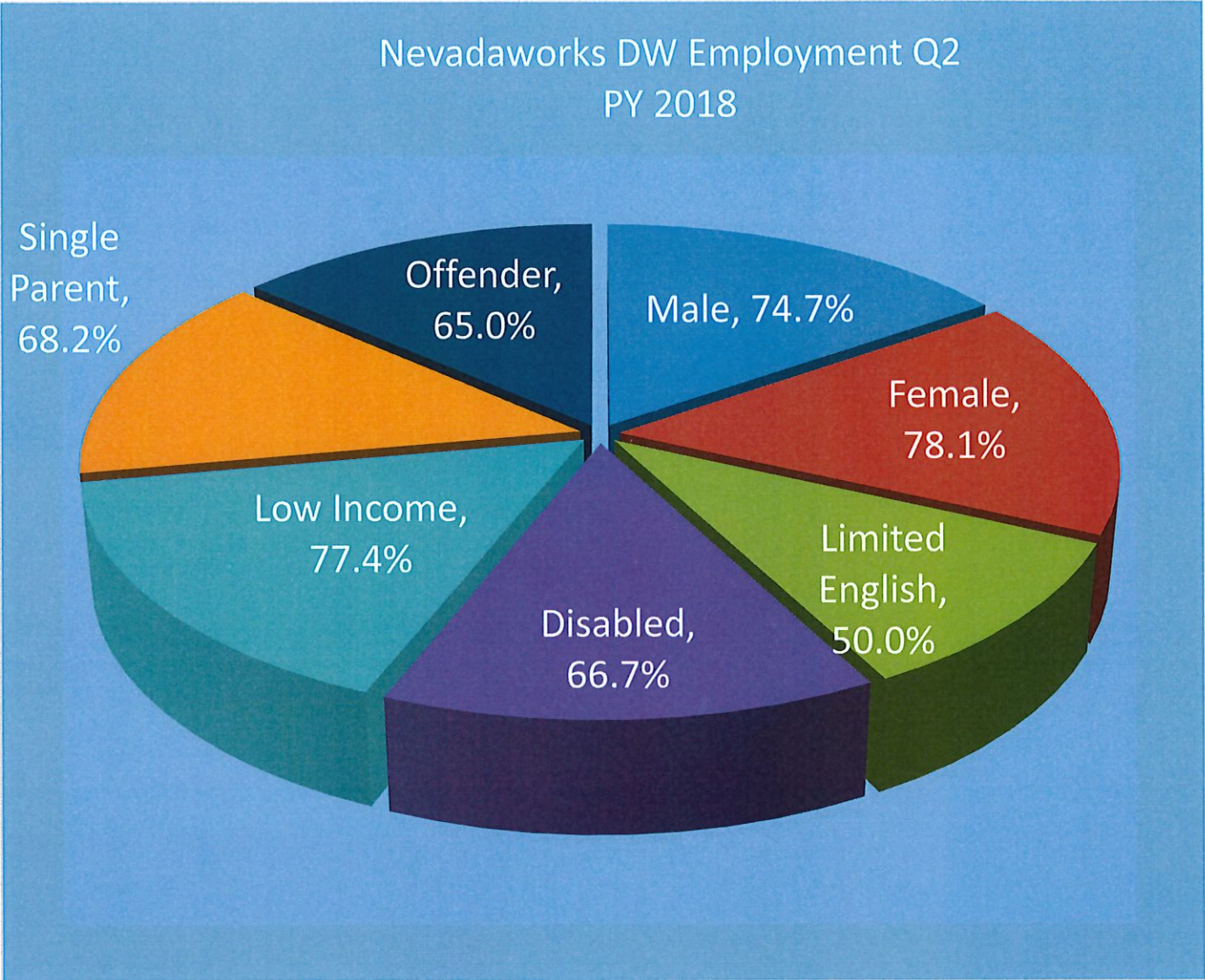


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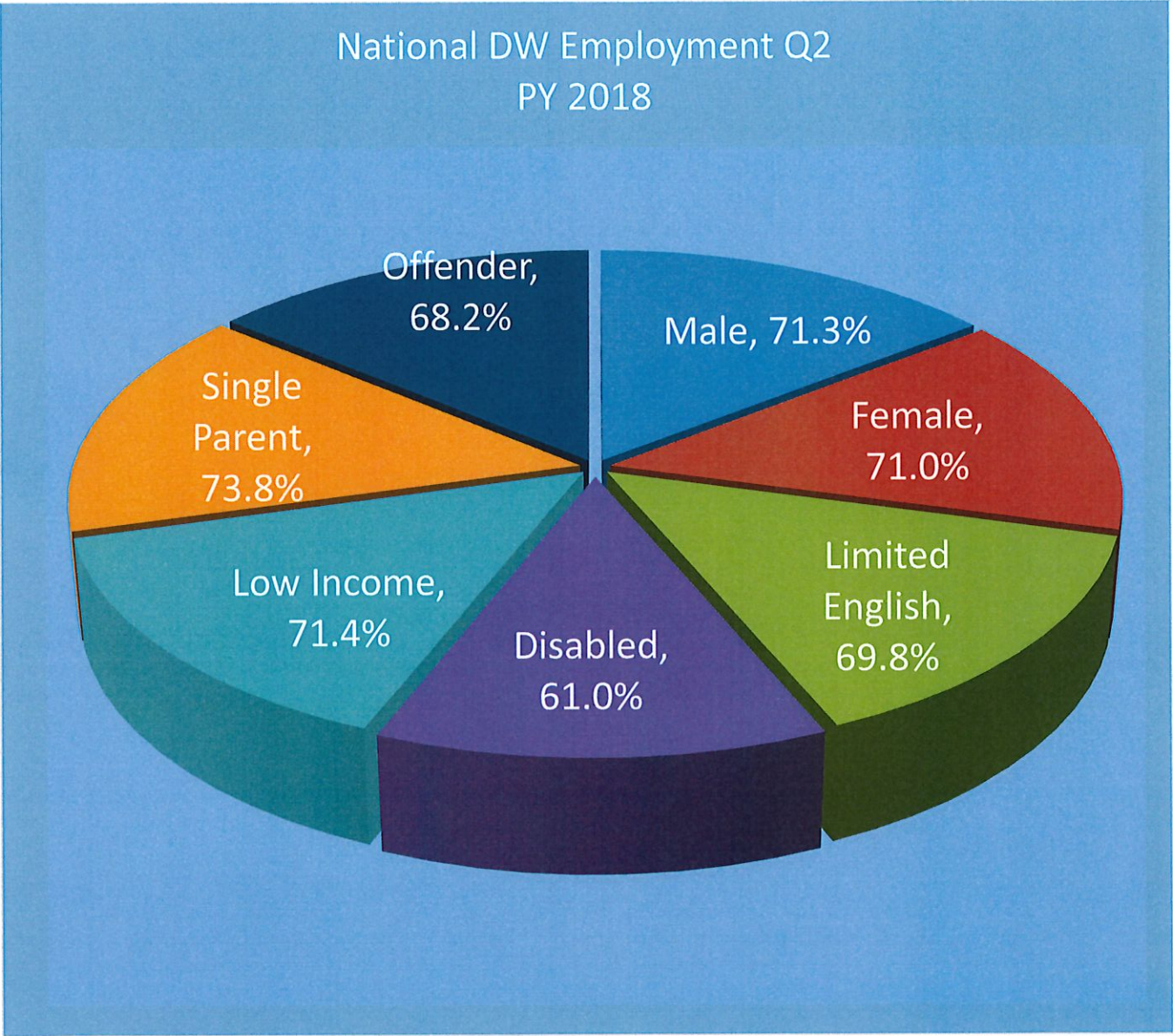


Chart
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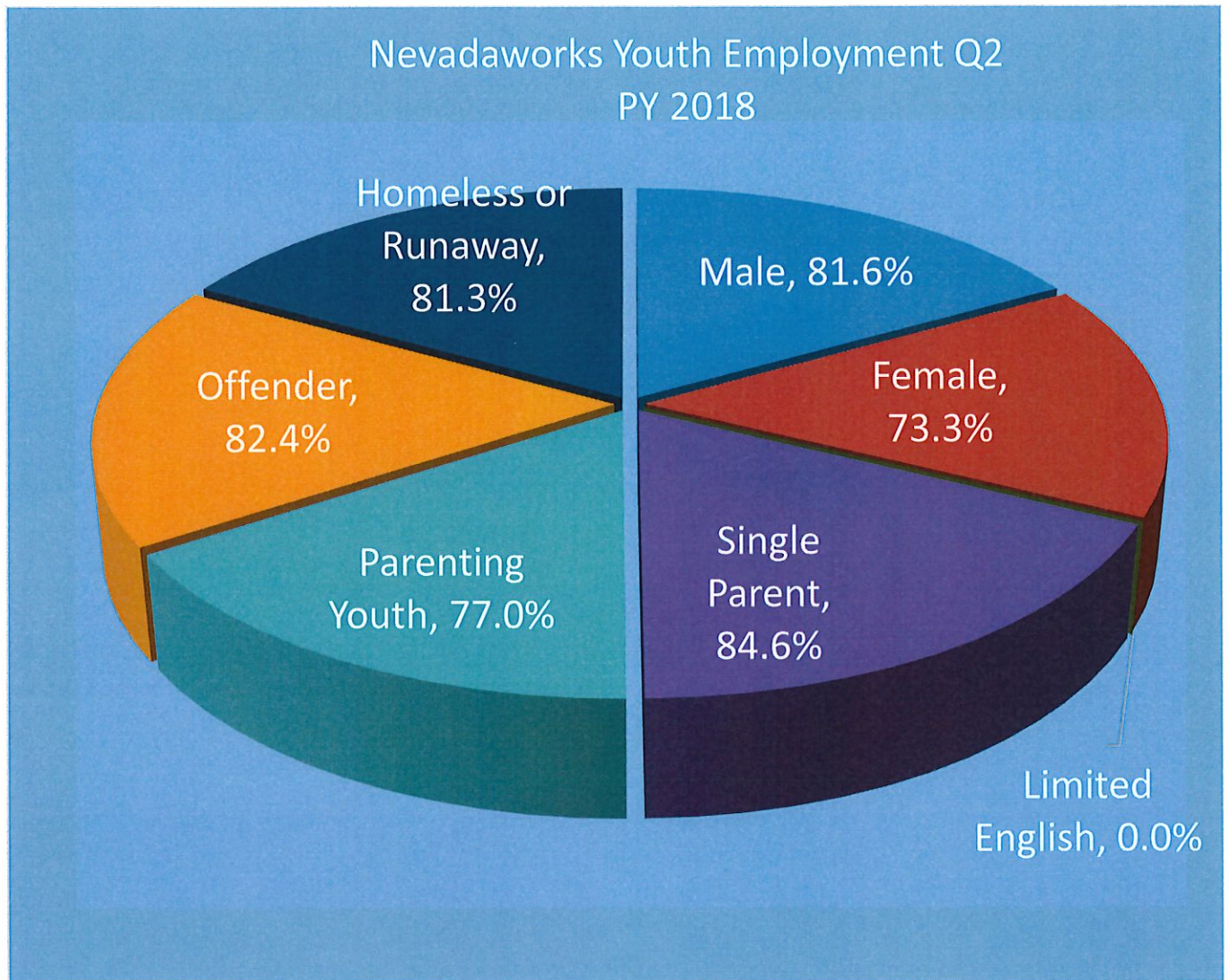
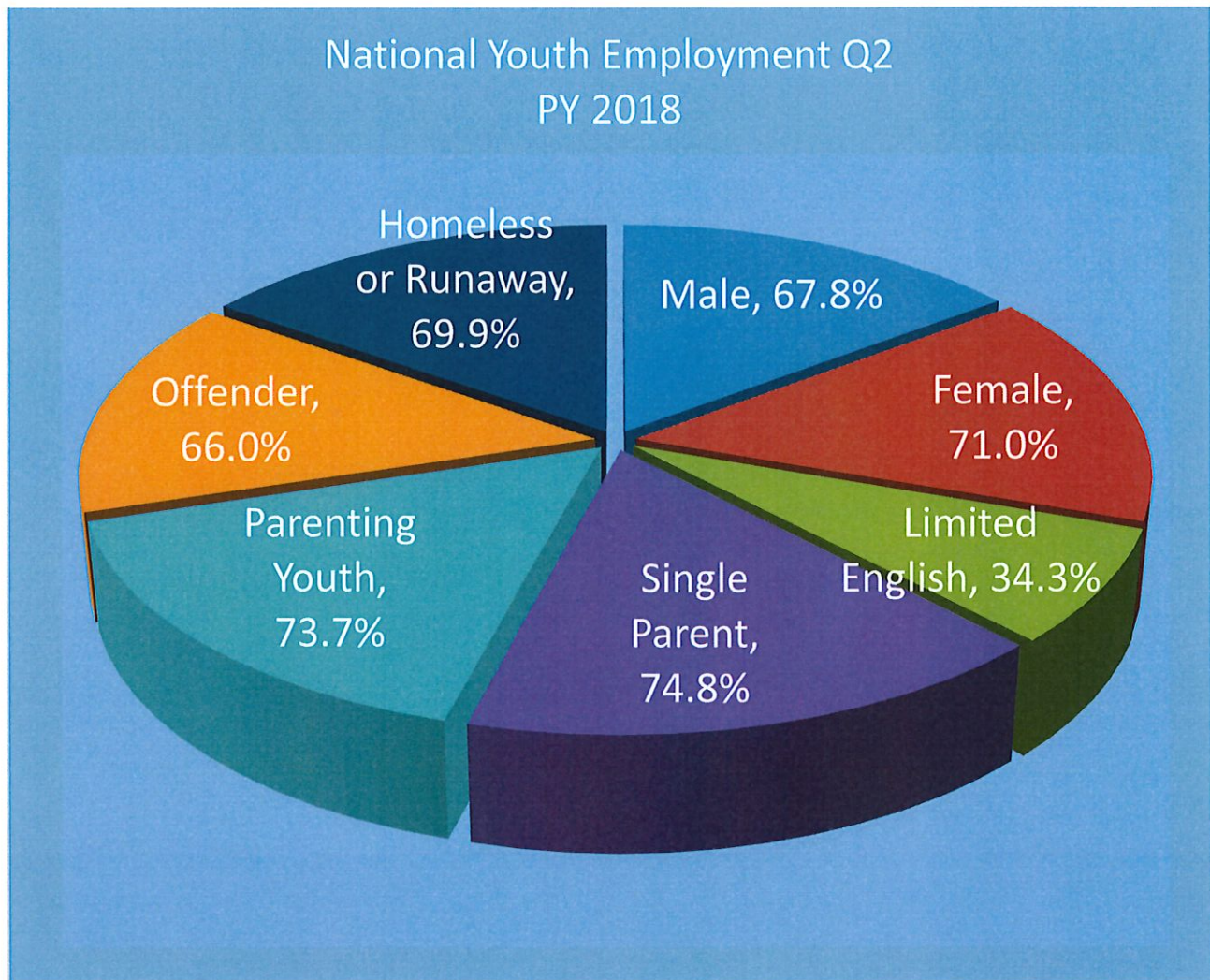



Chart
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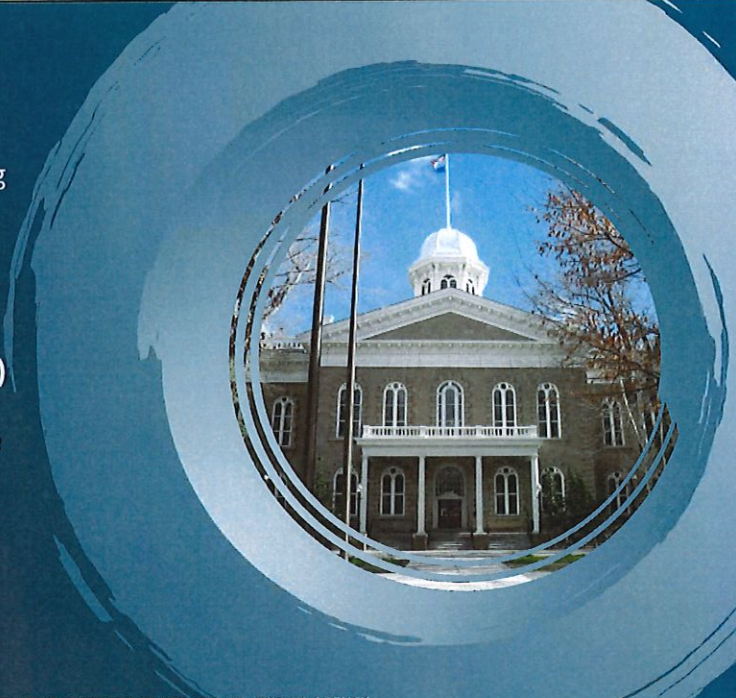
State of Nevada
 Department of Employment, Training
 and Rehabilitation

Financial Management Division

Monthly WIOA Fiscal Report (May 2019)

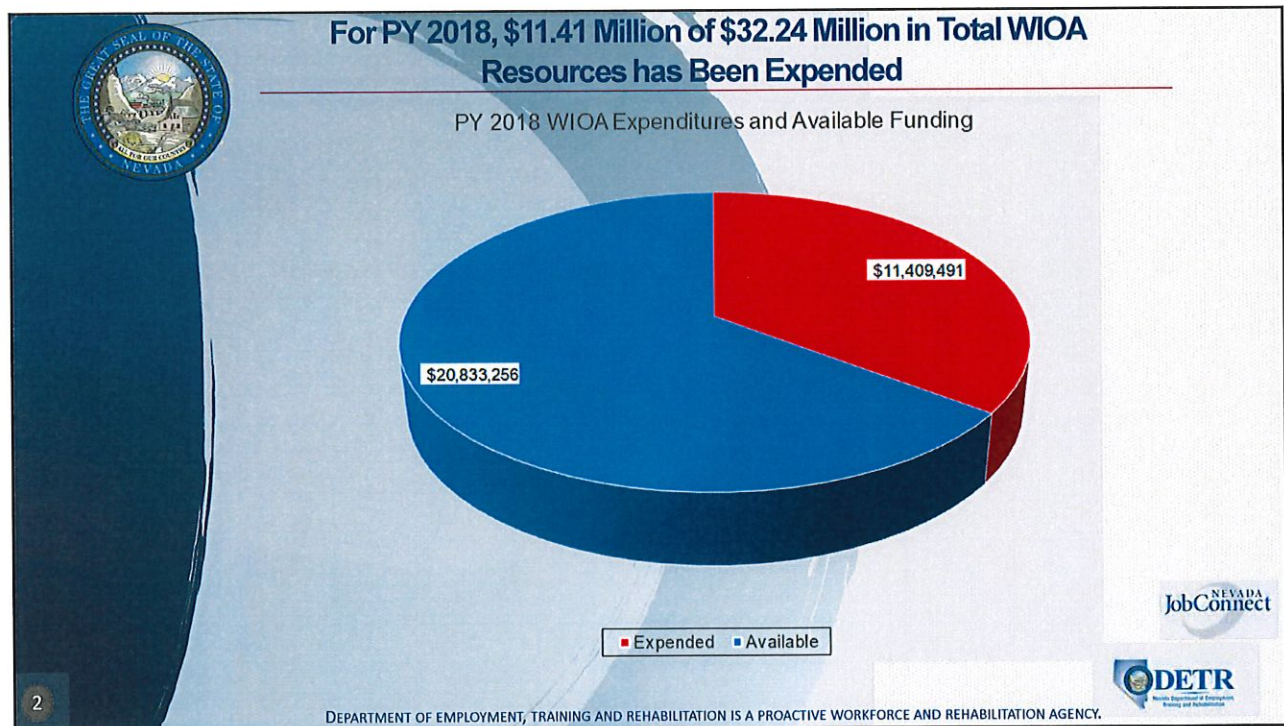
Presented to the Governor's Workforce
 Development Board

Dr. Tiffany G. Tyler-Garner, Director
 Dennis Perea, Deputy Director
 Kitty B. DeSocio, Chief Financial Officer



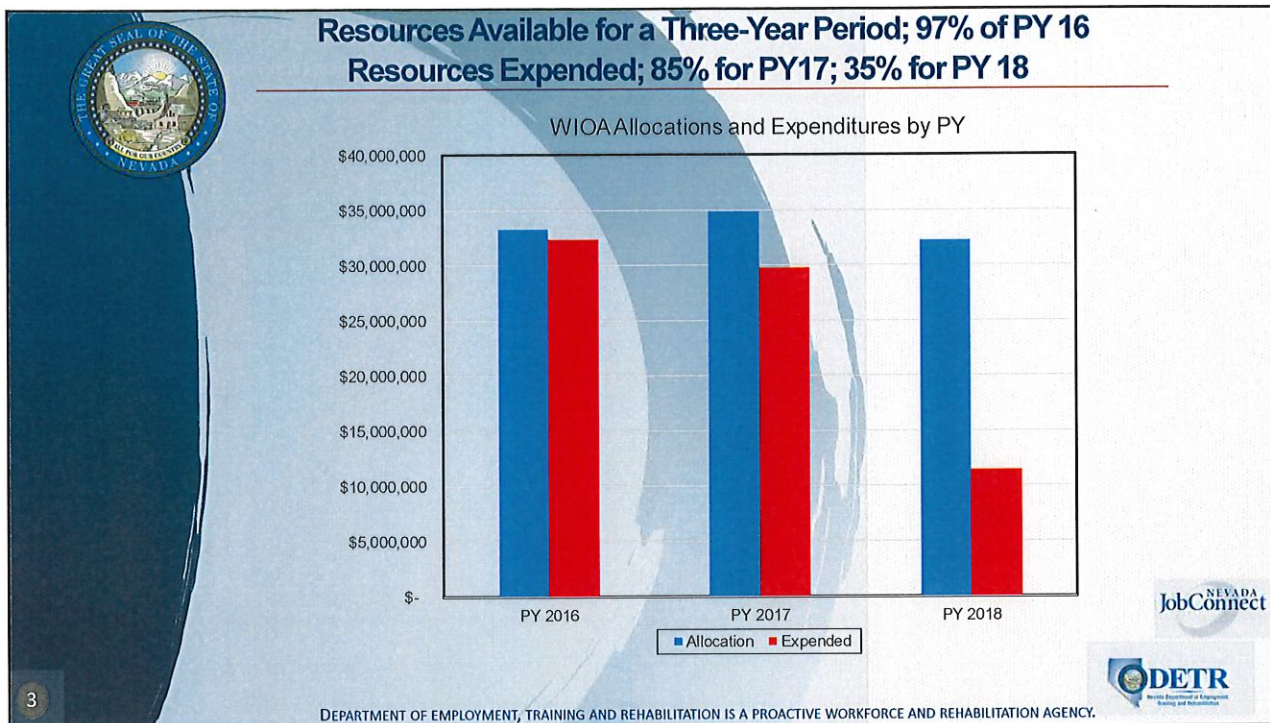
DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION IS A PROACTIVE WORKFORCE AND REHABILITATION AGENCY.

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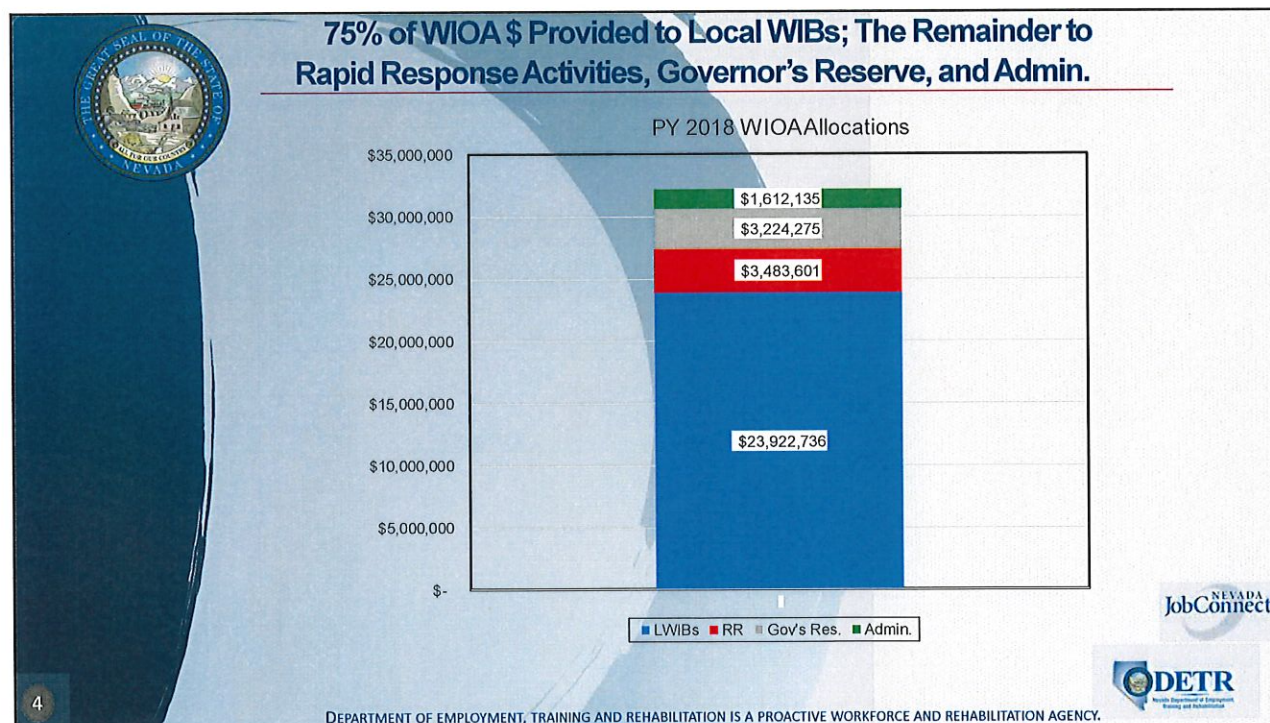


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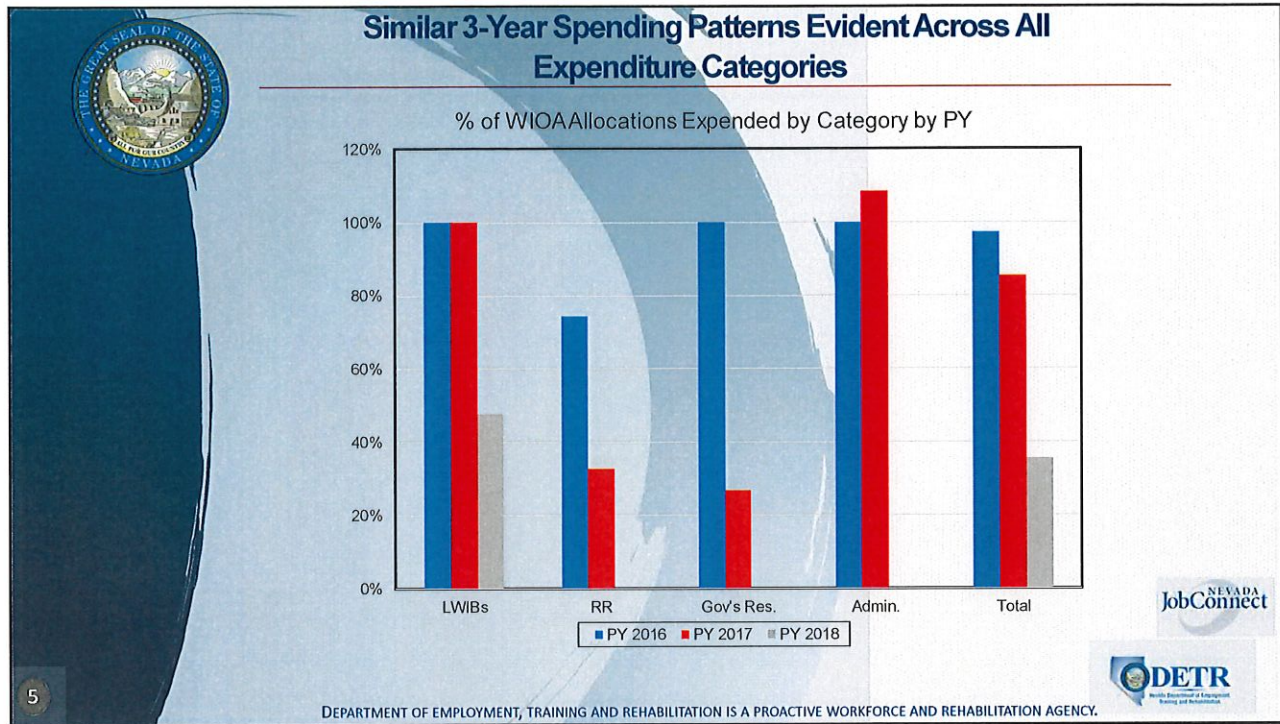
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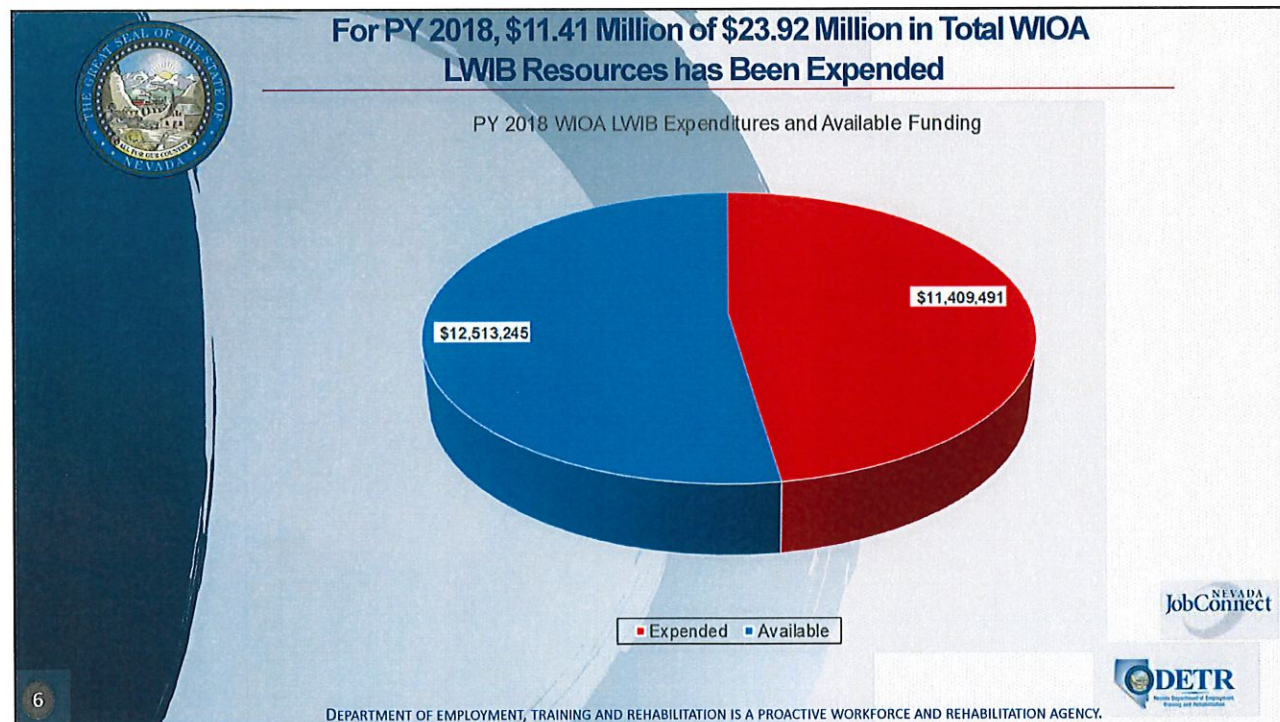
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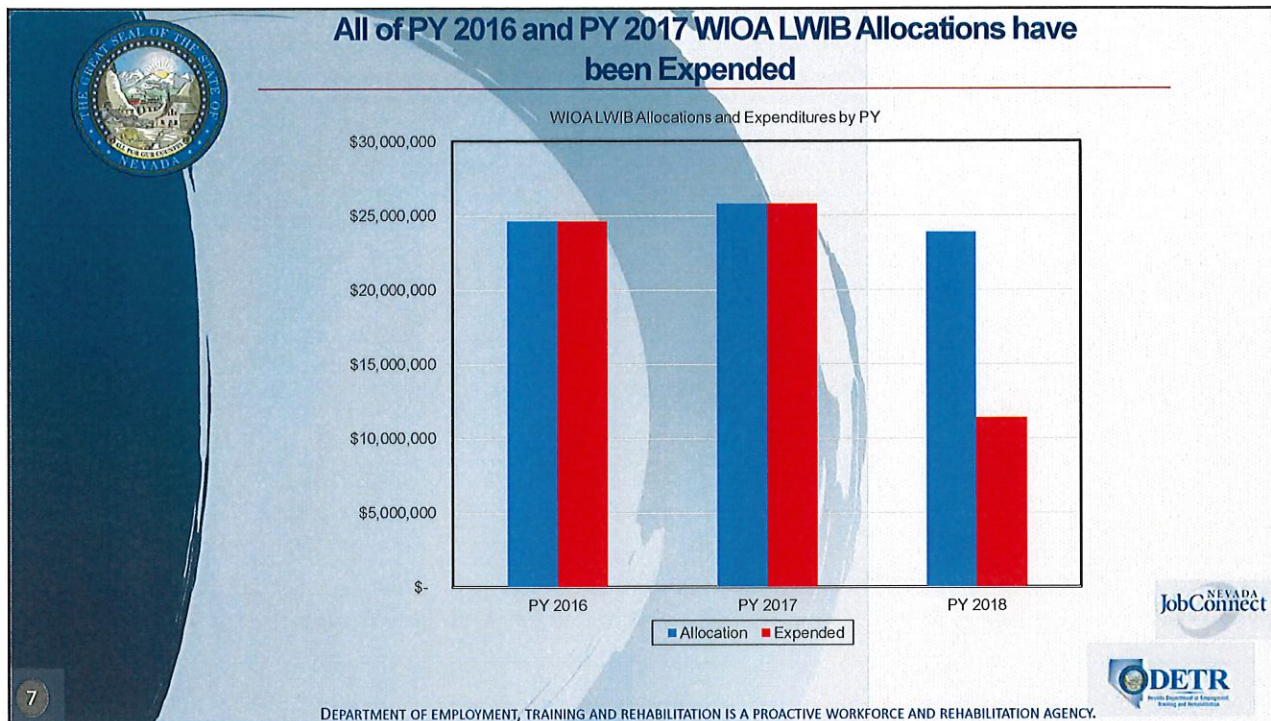
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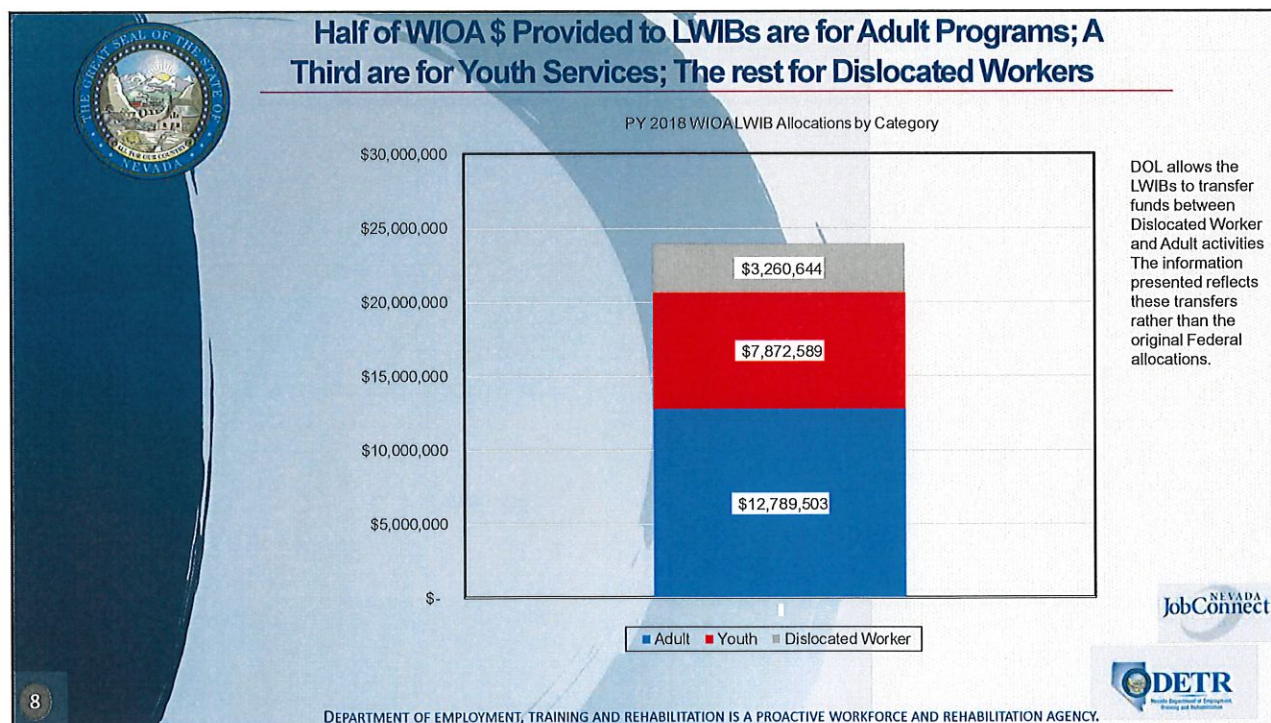
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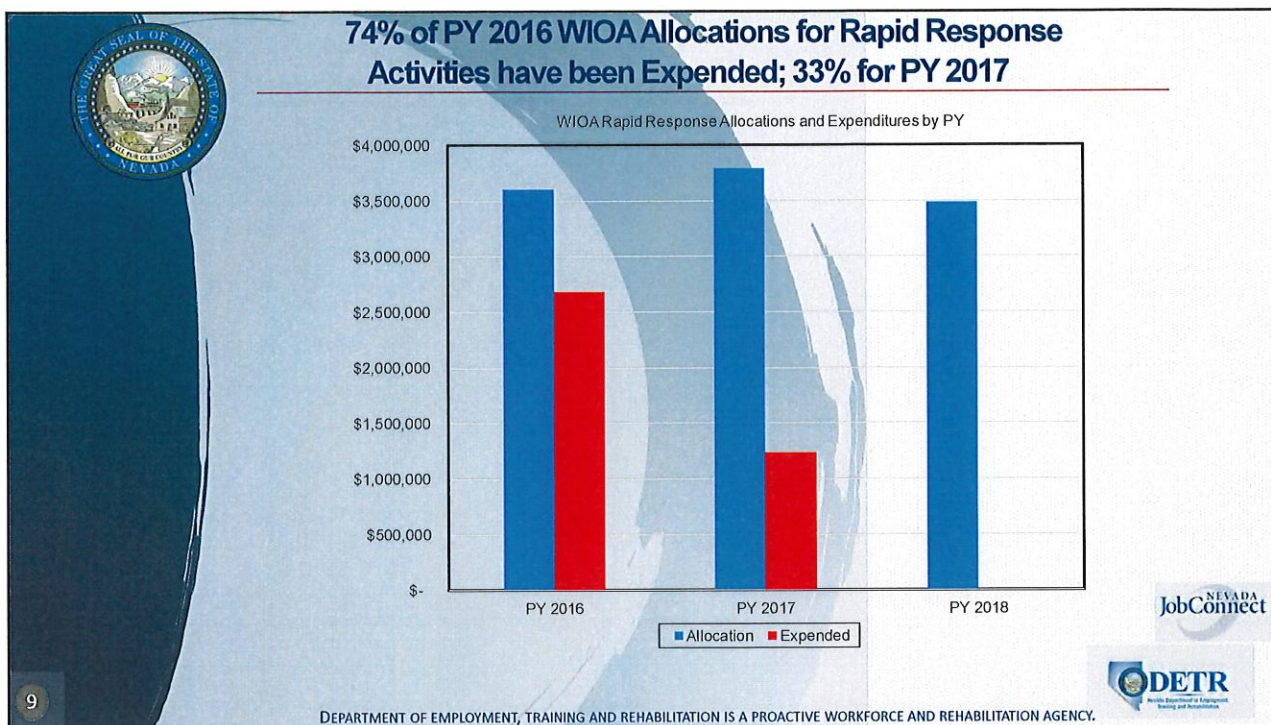
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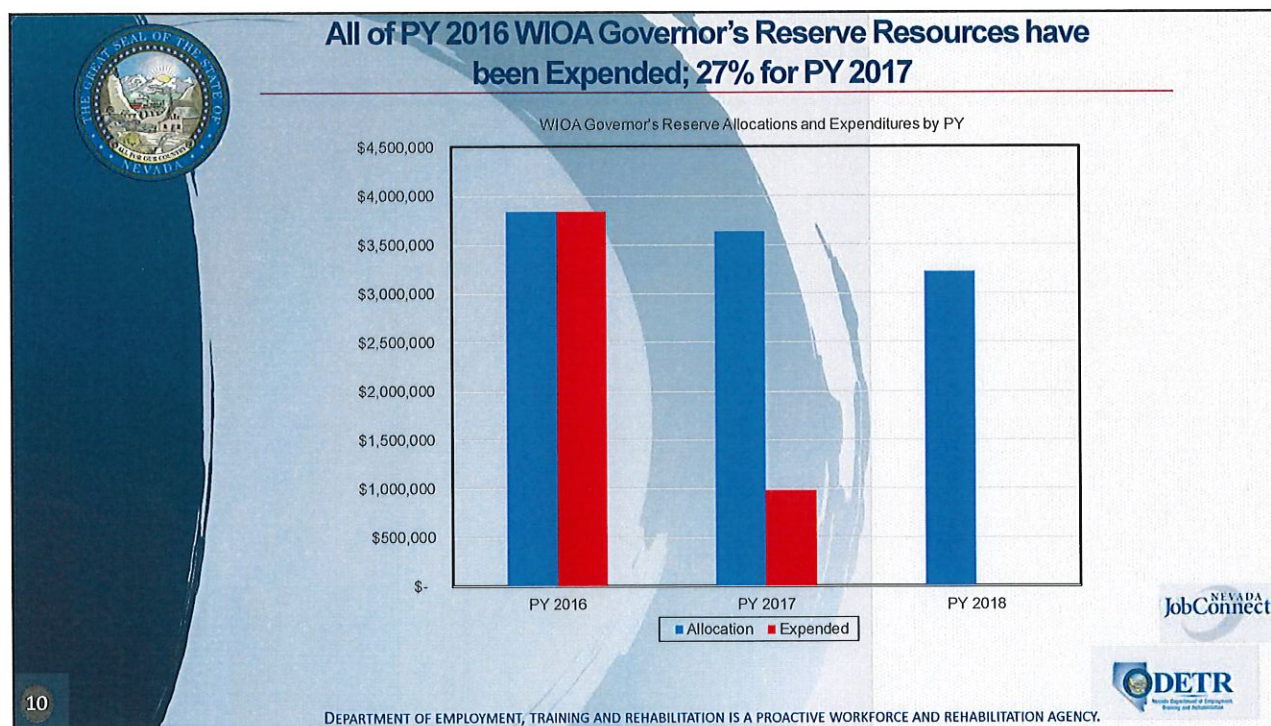
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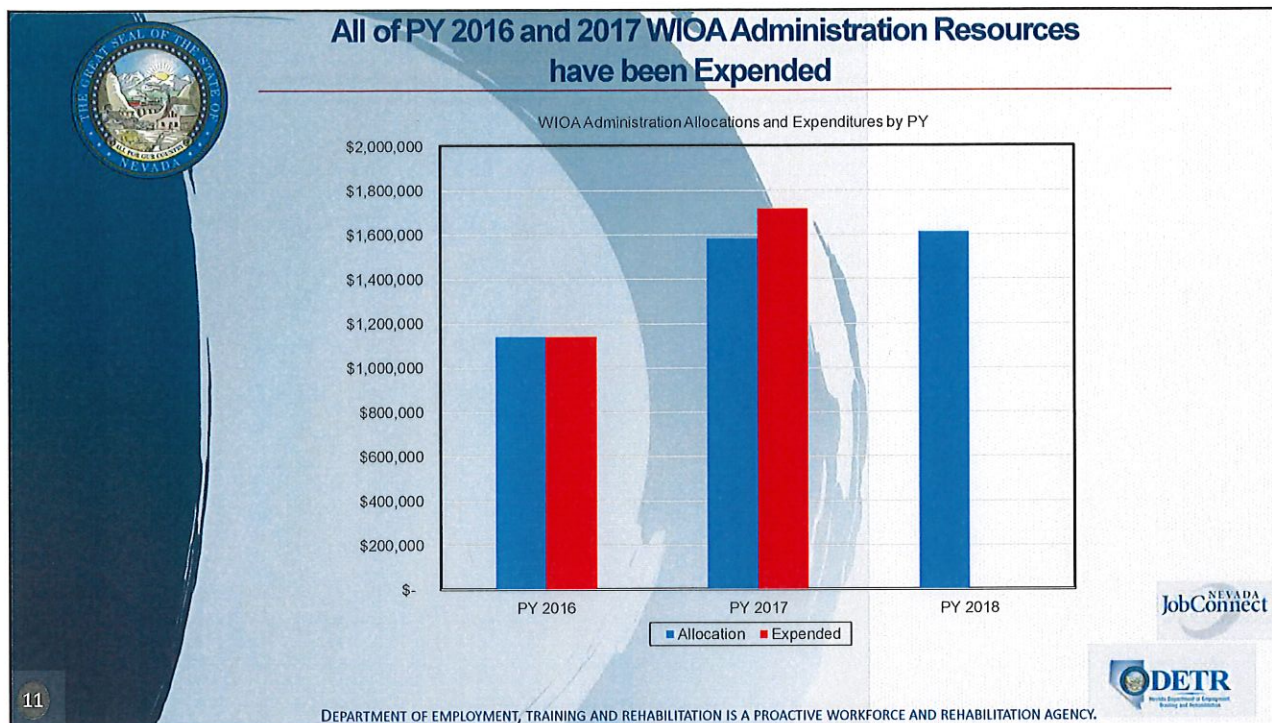
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10



11

Issues, Initiatives, and Future Plans

- Corrective steps are in process to address PY 2017 administration expenditures. (Amount authorized has been overspent by \$134 thousand.)
- Since the end of May, the remaining PY 2016 authority has been expended.
- Remaining PY 2017 monies need to be expended by 6/20 and PY 2018 monies must be spent by 6/21.

DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION IS A PROACTIVE WORKFORCE AND REHABILITATION AGENCY.

12



Nevada Labor Market Briefing: May 2019

Summary of Labor Market Economic Indicators

Department of Employment, Training, & Rehabilitation

Dr. Tiffany Tyler-Garner, Director

Dennis Perea, Deputy Director

David Schmidt, Chief Economist

Prepared by the Research and Analysis Bureau



NevadaWorkforce.com
@NVLaborMarket



1

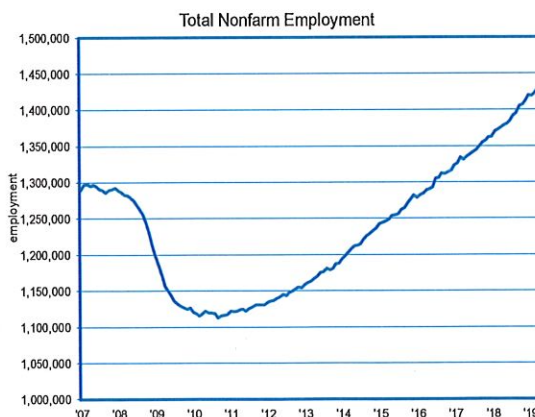
State Employment

Total Employment of 1,434,200 in May (SA¹)

Non-farm Job Levels Up 55,200¹ or 4% Over the Year, 2nd Largest Gain This Expansion

Up 5,900 Jobs Over the Month
3,400 (NSA²) jobs were expected to be added based upon historical trends, but 9,300 were actually realized, resulting in the seasonally-adjusted increase

April's employment level was revised up by 2,500 jobs¹ bringing the two-month gain to 11,200 jobs



¹ seasonally adjusted

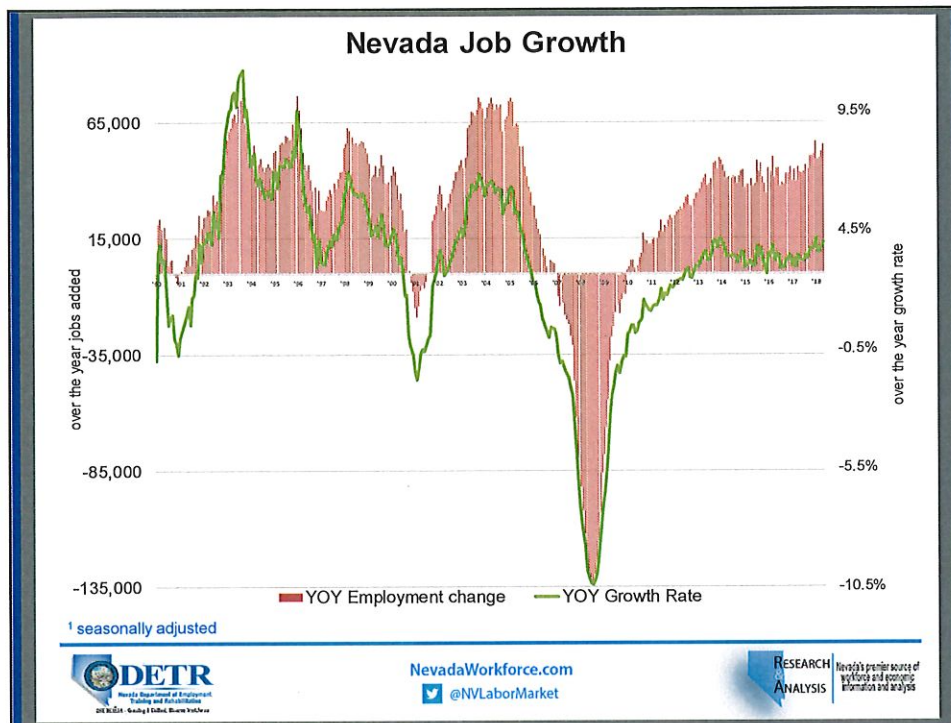
² not seasonally adjusted



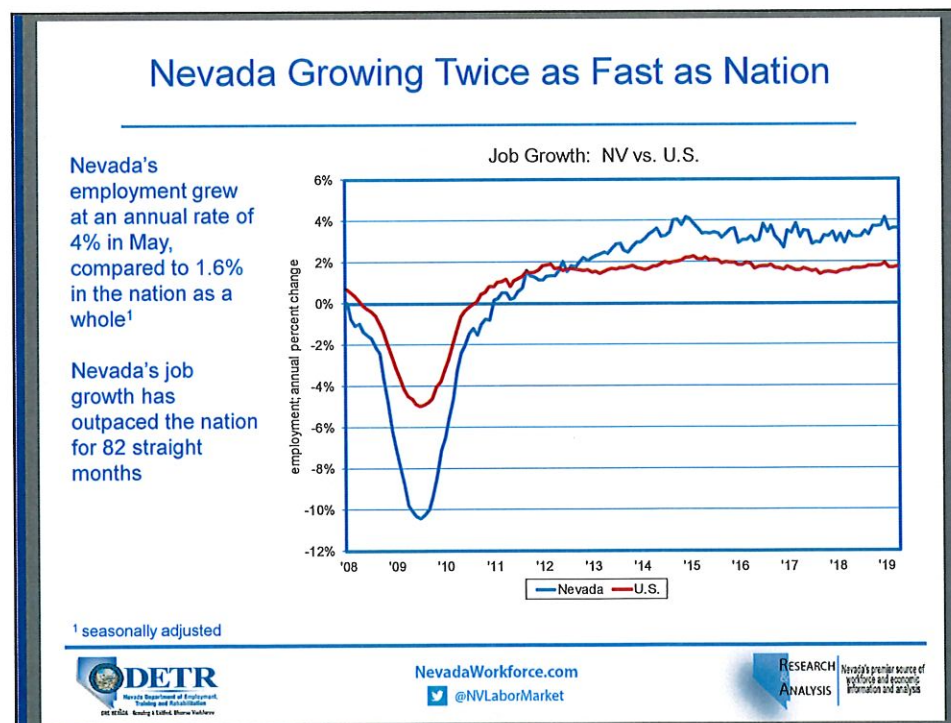
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3



4

12-Month Average Job Growth Across All Sectors

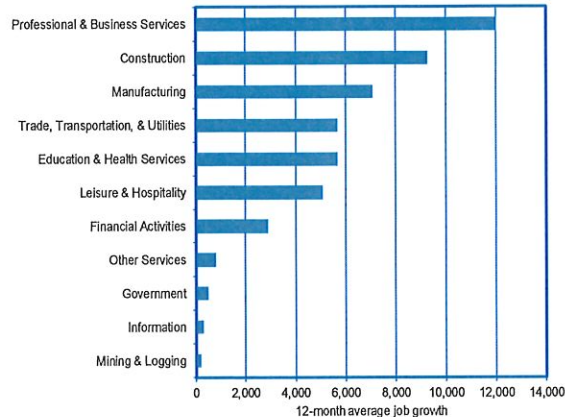
Professional and business services is up 12,000 jobs, using a 12-month average through May over the same time last year, a gain of 6.5%¹

Manufacturing has grown by 14.1% after adding 7,100 jobs

Construction added 9,300 jobs, a gain of 10.8%

Edu./health services grew by 4.2% and added 5,700 jobs

Nevada Nonfarm Job Growth by Industry



¹ not seasonally adjusted

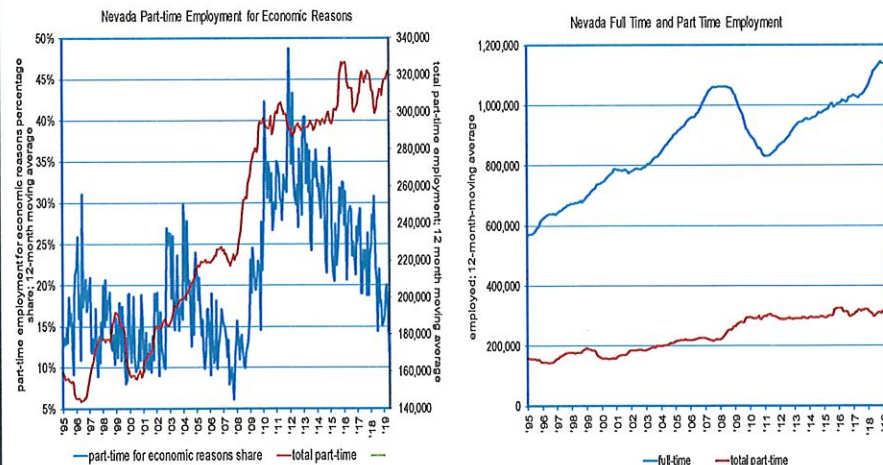


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5

Full Time and Part Time Employment in Nevada Trending Up; Part Time Employment for Economic Reasons Declining but Still Higher than Historical Levels



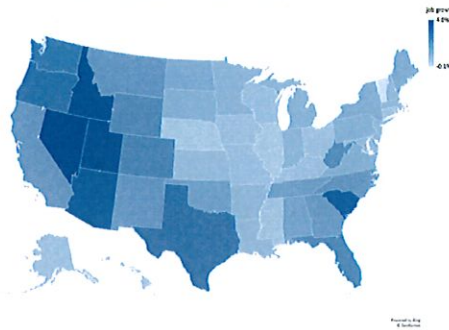
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Nevada Ranks 1st in Private Sector Job Growth Over the Year; Employment up 48,600 vs. 2017 (Part 1)

2018 Private Sector Job Growth Over the Year



Industry	Growth (Year-over-Year)	Rank
Total, All Industries	4.0%	1st
Natural Resources and Mining	7.6%	3rd
Construction	8.6%	6th
Manufacturing	16.5%	1st
Trade, Transportation, and Utilities	1.9%	4th
Information	3.5%	8th
Financial Activities	2.2%	10th
Professional, Scientific, and Technical Services	5.4%	1st
Education and Health Services	5.3%	2nd
Leisure and Hospitality	1.3%	29th



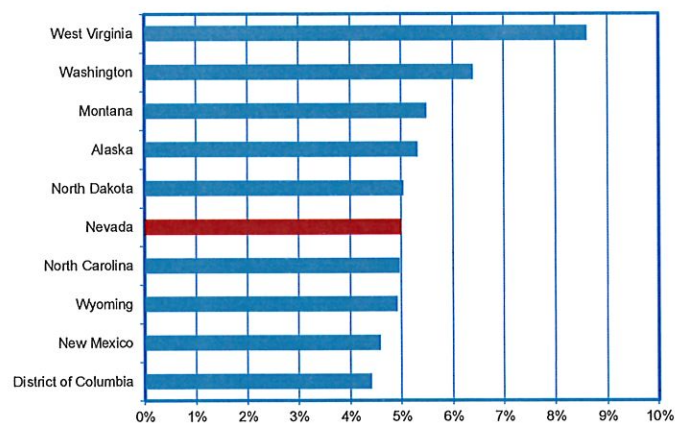
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Nevada Ranks 1st in Private Sector Job Growth Over the Year; Employment up 48,600 vs. 2017 (Part 2)

Percentage Change in Average Weekly Wages 2018:IVQ to
2017:IVQ



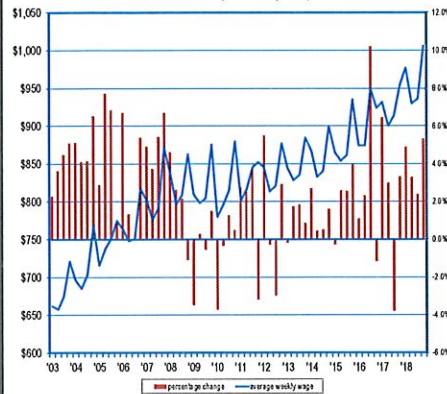
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Average Silver State Wages Up by 5.3% in 2018: IVQ; However, this change is affected by an unusual comparison period

Nevada Average Weekly Wages



Industry	2018:IVQ	Industry	2018:IVQ
Management of Companies and Enterprises	\$ 3,012	Manufacturing	\$ 1,079
Utilities	\$ 2,228	Real Estate and Rental and Leasing	\$ 1,056
Mining, Quarrying, and Oil/Gas Extraction	\$ 1,819	Educational Services	\$ 924
Finance and Insurance	\$ 1,556	Transportation and Warehousing	\$ 963
Professional, Scientific, and Technical Services	\$ 1,612	Agriculture, Forestry, Fishing, and Hunting	\$ 865
Wholesale Trade	\$ 1,514	Other Services	\$ 743
Public Administration	\$ 1,344	Arts, Entertainment, and Recreation	\$ 824
Undclassified	\$ 1,708	Administrative and Waste Management Services	\$ 675
Information	\$ 1,389	Accommodation and Food Services	\$ 653
Construction	\$ 1,270	Retail Trade	\$ 606
Health Care and Social Assistance	\$ 1,192		

This quarter's increase appears somewhat higher than most recent quarters because of unusual activity in the fourth quarter of 2017.

Typically, year-end bonuses are paid in the fourth quarter, however those appear to have been deferred from the fourth quarter of 2017 to the first quarter of 2018, when the new tax law took effect.



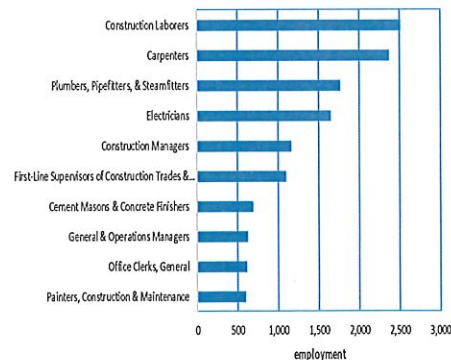
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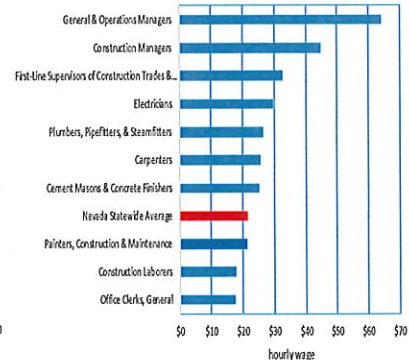
9

Top Ten Projected Growth Occupations; Construction Sector

Top 10 Construction Occupations



Top Paid Occupations in Construction



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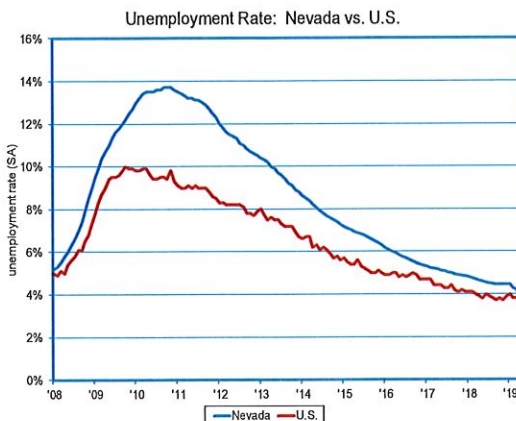
State Unemployment Rate 4.0% in May 2019

Unchanged from April;
down from 4.6% a year
ago¹.

Lowest rate since April
2006

Unemployment totaled
60,578, down 815 over
the month and 7,890
over the year

Compares to a 3.6%
rate for the U.S. – 0.4
percentage point
higher



¹ seasonally adjusted

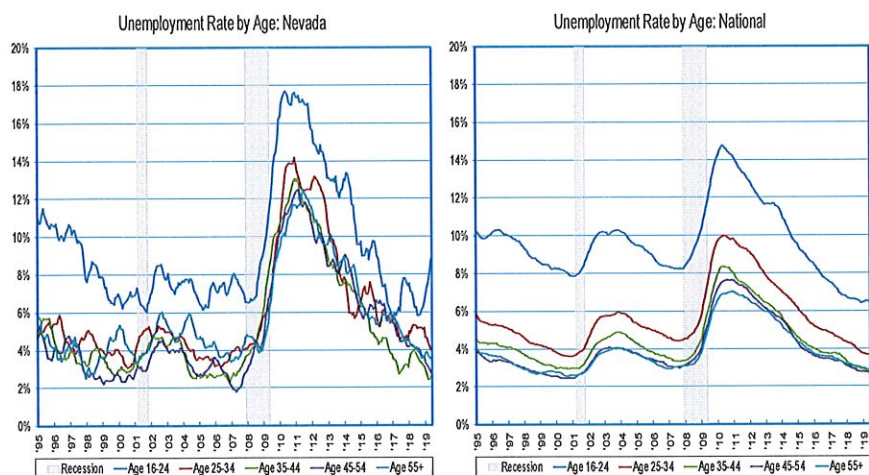


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Unemployment Rates Declined in All Age Groups from May 2018, Except for the 16-24 Group in Nevada Increased



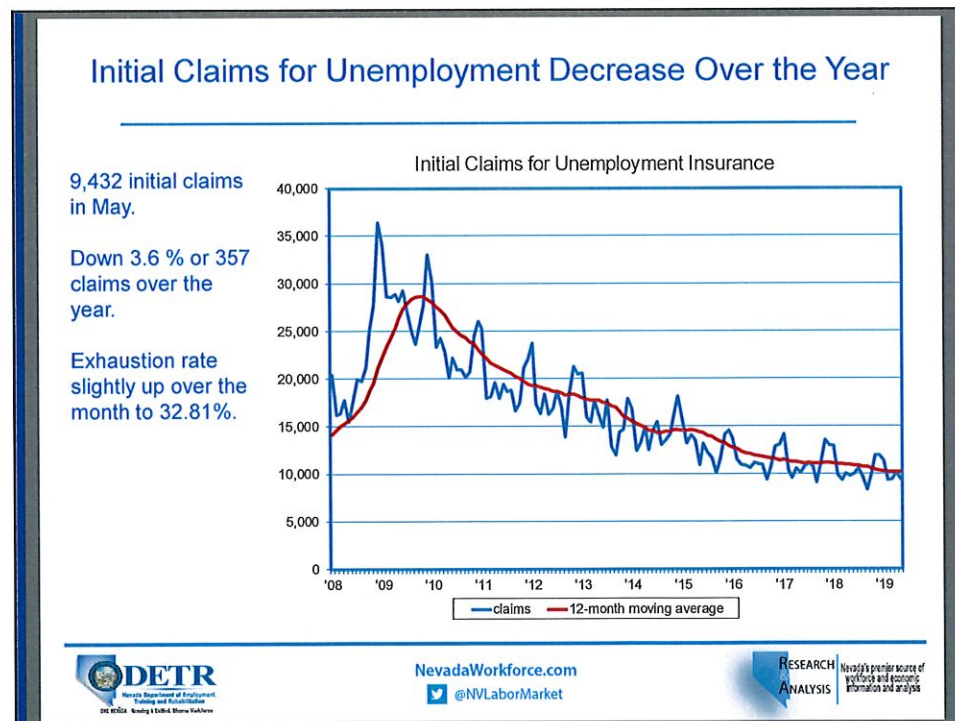
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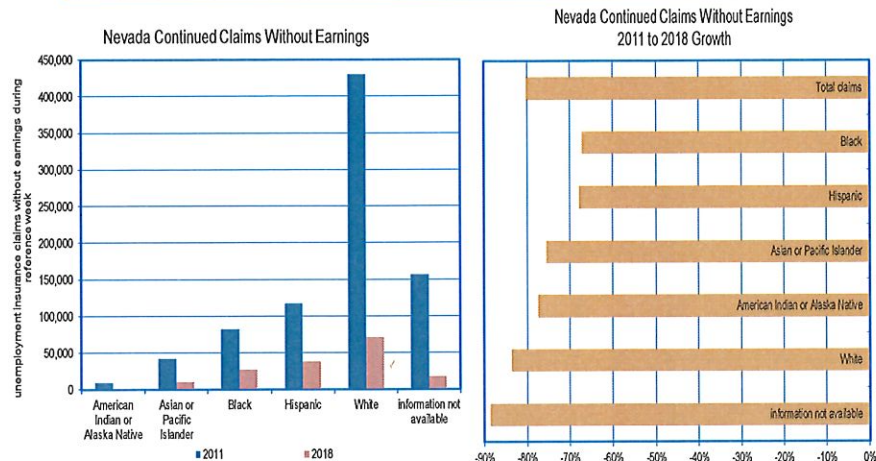
State of Nevada Unemployment Insurance Monthly Claims Activity						
Report Month: May 2019						
Report Totals	May-19	May-18	% Δ Prev. Year	April-19	% Δ Prev. Month	12 Month Avg.
Initial Claims	9,432	9,789	-3.65%	10,080	-6.43%	10,149
New Claims	6,233	6,225	0.13%	6,490	-3.96%	6,733
Additional Claims	2,423	2,753	-11.99%	2,724	-11.05%	2,607
Weeks Claimed	71,151	75,950	-6.32%	78,385	-9.23%	81,129
Weeks Compensated	58,506	63,190	-7.41%	72,743	-19.57%	66,940
Amount Compensated	\$20,476,684	\$20,982,120	-2.41%	\$25,473,883	-19.62%	\$23,008,628
Weeks Compensated Total Unemployment	53,175	56,701	-6.22%	66,476	-20.01%	60,586
Amount Compensated Total Unemployment	\$19,303,108	\$19,564,766	-1.34%	\$24,066,214	-19.79%	\$21,581,022
First Payments	4,054	4,068	-0.34%	4,202	-3.52%	4,600
Final Payments (Exhaustions)	1,455	1,688	-13.80%	1,777	-18.12%	1,550
Computed Measures	May-19	May-18	% Δ Prev. Year	April-19	% Δ Prev. Month	12 Month Avg.
Average Weekly Benefit	\$363.01	\$345.05	5.20%	\$362.03	0.27%	\$356.20
Average Duration	13.17	13.28	-0.80%	13.23	-0.46%	13.32
Exhaustion Rate	32.81%	33.80%	-2.94%	32.65%	0.48%	33.19%
Continued Compensation Ratio	82.23%	83.20%	-1.17%	92.80%	-11.39%	82.69%
Initial Compensation Ratio	42.98%	41.56%	3.43%	41.69%	3.11%	45.19%
Average Benefits Per First Payment	\$4,761.50	\$4,809.43	-1.00%	\$5,727.32	-16.86%	\$4,740.20
DETR Research & Analysis			SOURCE: ETA 5159			

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Continued Claims Without Earnings Trending Down Across all Race Groups (Part 1)

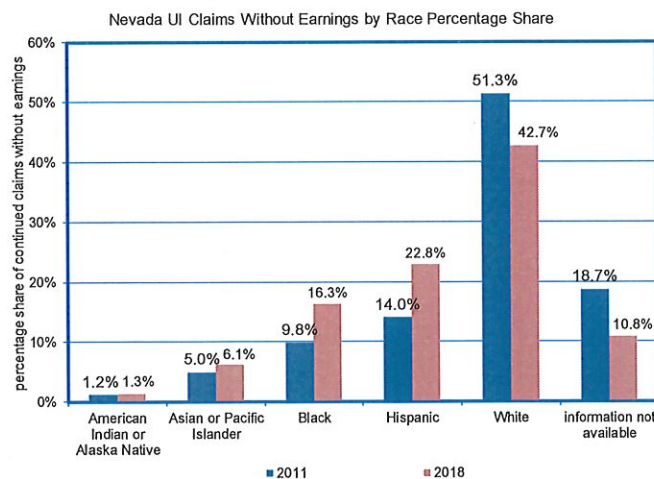


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Continued Claims Without Earnings Trending Down Across all Race Groups (Part 2)

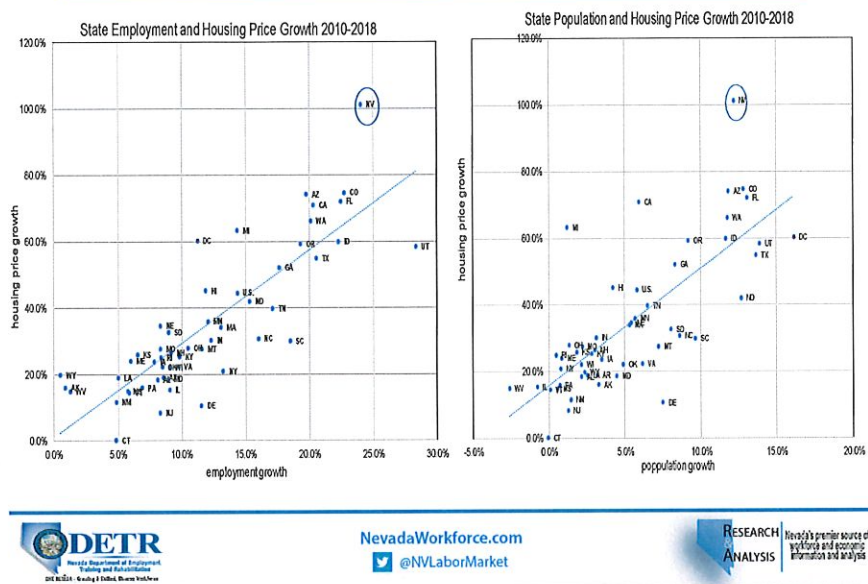


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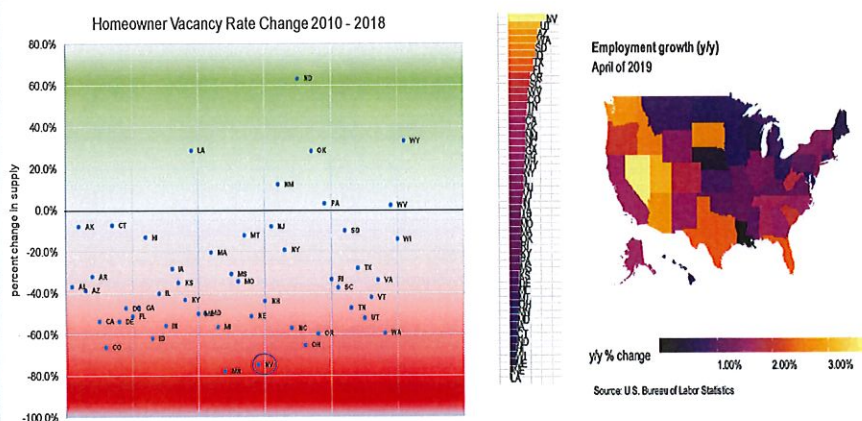
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Increased Population and Employment Influences Higher Housing Price (Part 1)



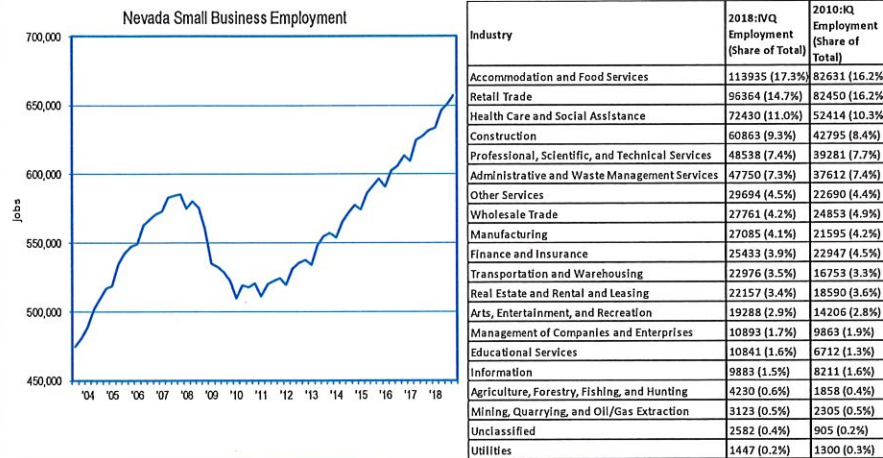
17

Increased Population and Employment Influences Higher Housing Price (Part 2)



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Small Business Employment Grows by 4%, Highest Growth Since 2007:1Q

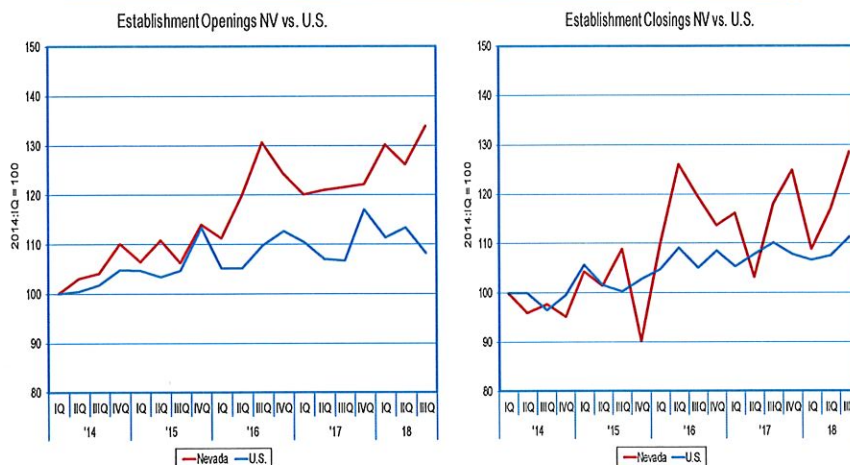


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Nevada Private Sector Business Establishment Openings Trending Up; Outpacing U.S. as a Whole

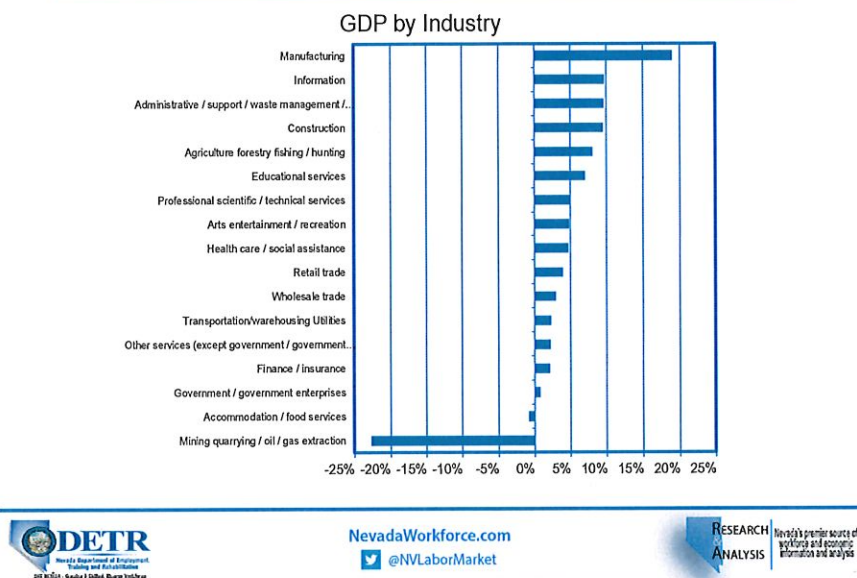


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Year Over Year GDP Growth was Seen in Most Industries; Nevada Manufacturing Grew by 19.1 Percent; the Highest in the Nation



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Nevada May Local News Notes

Northern Nevada

*Power-Sonic leases 40,000 square feet to establish HQ at LogistiCenter at I-80

Dermody Properties recently announced it has leased 40,750 square feet at the LogistiCenter at I-80 property for a distribution center and new corporate headquarters for Power-Sonic Corporation. The company's products are used in a variety of industrial and electronic applications serving end markets, including life safety, medical, utilities and infrastructure, power sports and industrial automation.

*SoCal-based Berkley International latest company to hop on Reno-Sparks relocation Bandwagon

United Construction is building Berkley International's new 82,000-square-foot manufacturing facility on Peru Drive. Berkley is a custom molded fiber packaging company.

Drive.

*Panera Bread is coming to Reno's Damonte Ranch too, permit shows

A permit filed with the city of Reno on Thursday shows that plans are underway for a Panera Bread site at the corner of Steamboat Parkway and Damonte Ranch Parkway.

Southern Nevada

*LVCVA approves nearly \$50M contract for underground transit system

The organization's board voted 13-1 Wednesday in a special meeting to approve a \$48.7 million contract with Hawthorne, California-based The Boring Company, a spinoff of Elon Musk's SpaceX venture, for a people-mover transit system underneath the Las Vegas Convention Center.

*MGM Resorts lays off 557 more employees in cost-cutting move

MGM Chairman and CEO Jim Murren distributed a letter to employees saying 557 employees would learn their positions have been eliminated as part of the company's MGM 2020 cost-cutting restructuring. Of the 1,070 layoffs, 881 are Las Vegas employees, mostly in management or mid-management positions.

*Las Vegas soccer stadium could follow 5 recent MLS stadiums

The Las Vegas City Council is set to kick off talks next week on a plan to secure a Major League Soccer expansion franchise and a new soccer stadium near downtown. The proposed Las Vegas stadium would be built at the site of Cashman Field. They cost from \$100 million to an estimated \$400 million.

*New hotel to open near the Palms in 2021

The hotel would have 18 floors and 284 rooms, and aims to open in the fourth quarter of 2021. The non-gaming hotel is part of a mixed-use project that is slated to feature a luxury apartment complex by developer The Calida Group and would have retail and restaurants.

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For Additional Information, Please Contact:

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